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NEW CODE FOR THE PROTECTION OF CIVILIAN POPULATION AND PROPERTY DURING ARMED CONFLICT

by Ionel Cloșcă

1. GENERAL CONSIDERATIONS

One of the principles underlying international law applicable in armed conflicts is that no act of war is permitted against the civilian population, consisting, by definition, of persons who take no part in the hostilities.

Until the holocaust of 1939-45, international law gave practically no real protection to the civilian population in the event of war, and was not even intended to do so since up to that time war was considered to be a State activity from which civilians remained aloof. There were, nonetheless, general principles and rules in various international treaties which, in one way or another, related also to the civilian population.

The principle, contained in the St. Petersburg Declaration of 1868, that "the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy"—may be so interpreted as to imply that the intention of the authors of that document was to protect the civilian population against the risks to which armed conflict gives rise.

Articles 25-27 of the Regulations appended to the IVth Hague Convention of 1907 forbid the bombing of towns, villages, dwellings or buildings which are not defended and compel commanders of attacking troops to take all measures before bombardment to warn the authorities and to spare as much as possible buildings dedicated to religion, art, science and charitable work, historic monuments, hospitals and places sheltering the sick and the wounded. In Section III of the same document, entitled 'Military Authority over the Territory of the Hostile State', several rules are devoted to the protection of the civilian population (arts. 43-46).

These were the rules in force at the beginning of the Second World War for the protection of the civilian population: the losses incurred during that war were eloquent testimony to their uselessness. While about 10 million men lost their lives during the First World War—half a million of them civilians—conservative estimates of persons killed during the Second World War put the figure at 50 million, of which 26 million were in the ranks of the army and 24 million were civilians. This catastrophic result for the civilian population was the outcome of the irreversible development of the means of combat towards total warfare: from conventional bombardment to the V1 and the V2 and then to the atomic bomb, all of which are indiscriminate and terror weapons.

The initiative to protect the civilian population from the frightful danger threatening it in the event of war was taken by the ICRC. Rejecting the idea that the indiscriminate bombing of the First World War could be considered an acceptable expression of international law, it made a number of proposals.

In 1920, in a note to the first assembly of the League of Nations, it proposed that the League should concern itself with various war problems, and mainly with ways and means of making it more humane; “the International Committee, the central body of the Red Cross, to whom this task was originally assigned, has the honour to submit to you the following proposals...: 1. Limitation of aerial warfare exclusively to military objectives (such as fights between scouts), and prohibition of the dropping on towns of projectiles which carry death to the peaceable population, and to women and children unconcerned with the war”...¹ The proposal was prompted by the idea that rules on bombardment in articles 25-27 of the Regulations to the IVth Hague Convention had lost nothing of their validity even though it appeared that they could hardly be adapted to the development of war techniques, especially to strategic bombing. Nonetheless, principles of a customary nature, setting imperative limits to hostilities, still held true.

Other proposals in 1920 related to the prohibition of asphyxiating gases, to the definition of ‘undefended locality’ as mentioned in the IVth Hague Convention of 1907.

At the Tenth International Red Cross Conference in 1921, the ICRC took the initiative to propose the prohibition of some forms of abuse by occupation authorities of their power over the civilian population (large-

¹Doc. D.S. 4 a, b, e, of the Twenty-first International Red Cross Conference, Istanbul, Sept. 1969: *Reaffirmation and Development of the Laws and Customs applicable in Armed Conflicts*, Geneva, May 1969, p. 65.

scale deportation of hostages, etc.). The Twelfth Conference (1925) also discussed the plight of civilian populations in territory occupied by their enemy. At that time a proposal was made for the founding of a mixed medical commission to draw up lists of detained civilians for communication to the ICRC, to testify to prisoners' inability to fight, to speed up investigations, to visit places of internment, to facilitate the conclusion of agreements between belligerents for the benefit of civilians, etc.

Following the States' refusal to ratify the Code drafted by the Commission of Jurists of The Hague in 1923 for the limitation of air bombing, the ICRC, between 1928 and 1931, sponsored four expert committees with a view to finding ways and means of protecting the civilian population against the dangers of chemical and bacteriological war, and against war in general. The conclusions reached by those expert committees were put forward for discussion at the first conference on the reduction and limitation of weapons convened by the League of Nations in 1931. In a report to the conference, a demand was made for the absolute prohibition of aerial bombing of conurbations. At Tokyo in 1934, the 15th International Red Cross Conference adopted a draft international treaty drawn up by a committee of ICRC experts. Known as the "Tokyo Draft", it was to have been submitted to an international diplomatic conference for adoption. The outbreak of the world war nipped the initiative in the bud.

The failure of this attempt led the ICRC to turn its efforts in another direction: towards the designation of "hospital and safety localities and zones". In 1938 the Assembly of the League of Nations adopted a resolution firmly condemning the deliberate bombing of civilian populations and stating the precautions—including the designation of such protected areas—to be taken in case of bombing military objectives.

On 12 March 1940, shortly after the outbreak of the Second World War, the ICRC, in a solemn appeal to States, proposed that they confirm the general immunity of the civilian population, define military objectives and refrain from indiscriminate bombing and reprisals. Although formally approved by 14 States, including the main belligerents, the appeal went unheeded. Confronted with that situation, the ICRC renewed its appeal several times—on 12 May 1940, 23 July 1943 and 30 December 1943—but to no avail.

The terrible events which afflicted mankind during the Second World War, resulting in tens of millions of victims and incalculable damage, again forced attention to the topical and vital problem of protecting civilian populations from the increasingly destructive effects of war.

“Total war”, stated the ICRC in an appeal ² dated 5 September 1945, “has given birth to new techniques. Must we therefore admit that the individual will cease to be legally protected and considered no more than a mere unit of communities engaged in combat? To do so would mean the collapse of the principles underlying the international law which is intended to give the human being physical and spiritual protection”.

But that is not the way things developed. In 1946 the Statutes of the Nuremberg International Military Tribunal condemned a whole series of inhuman acts against the civilian population: assassination, extermination, slavery, deportation and political, racial or religious persecution. On 9 December 1948 the Convention on the Prevention and Punishment of the Crime of Genocide was adopted.³ Then, in 1949, the Diplomatic Conference on humanitarian law endeavoured to include in the Conventions adopted more effective rules for the protection of the civilian population in armed conflicts. Because of the opposition from certain States to complex rules for the protection of human rights, the conference finally contented itself with a unilateral approach to the problem, namely the protection of the civilian population of territory occupied by the enemy; the result was the “Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War”.⁴

International events, however, have proved that a well-founded approach and the effective regulation of civilian population protection should be grounded on the specific situation in which civilians find themselves in the event of armed conflict, namely:

1. In national territory, when they are directly exposed to military operations (bombardment, attacks, etc.);
2. In enemy territory, at the beginning of hostilities (residents, tourists, persons on mission, etc.);
3. In national territory occupied by the enemy, when they are at the latter's mercy (deportation, internment, taking of hostages, etc.).

² *Revue internationale de la Croix-Rouge*, September 1945, pp. 657-661.

³ Declaring that genocide, which in the course of history had caused much loss to humanity, was a crime in international law whether committed in time of peace or of war, the Convention extends condemnation as a crime to the following acts committed with the intention of partly or utterly destroying a national, ethnic, social or religious group: murder of members of the group, serious harm to their physical or mental integrity, inflicting on the group conditions of existence leading to part or complete destruction; measures to prevent births; forcible transfer of children from one group to another.

⁴ The basis of the Convention was a draft elaborated by a conference of government experts convened in Geneva in 1947. The project was submitted for study to the 17th International Red Cross Conference at Stockholm in 1948.

During the Second World War and in armed conflicts which have occurred since that time, most of the victims were civilians in their own national territory. It is ironic that it was precisely civilian populations who were denied any protection in international law.

Let us take a look at what new provisions in this respect have been introduced by the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

This Convention, comprising 159 articles and three annexes, was intended to supplement sections II and III of the Hague Regulations of 1907, but not to replace those Regulations which are still valid.

In substance, the provisions of the Convention may be divided into two categories: those protecting civilians against abuse by the occupying power and those protecting them from "certain effects of war".

The dominant principle of the first category is stated in article 38: "The situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace". In that respect, the Convention forbids absolutely any harm to life and limb, torture, ill-treatment, taking of hostages, deportation, action prejudicial to human dignity, humiliating and degrading treatment, discrimination based on differences of race, nationality, religion, sex, wealth, and so on. At the same time, the Convention provides for a system of internment—as an exceptional measure necessary to safeguard the interests of the detaining State—with guarantees of humane treatment for all persons interned.

Among the provisions of the second category are those relating to hospital and safety zones and localities (article 14) and neutral zones (article 15), the protection of civilian hospitals (article 18), children (article 24) and the exchange of family correspondence.

The first conclusion emerging from an analysis of this Convention is that, in general, it is a considerable advance in civilian protection. This completely new instrument of international humanitarian law, the result of the awful experience of many States dominated by others during World War II, when 48% of the dead were civilians, met a need of the time: the need to avoid the recurrence of such horror. And yet, it too had limits and loopholes. Devised to protect civilian populations from the tyranny of an occupying power, the Convention has done little to protect civilian populations from bombing from the air during armed conflict, from new methods and weapons of war, etc. The problems involved in prohibiting weapons of mass destruction and new weapons were not a subject of concern to the diplomatic conference; those problems were transferred to the Disarmament Committee in Geneva, on

the pretext that they came within the *jus ad bellum* whereas the diplomatic conference was required to tackle essentially humanitarian problems, such as the protection of persons in the power of an enemy.

Moreover, some provisions of the 1949 Geneva Convention, especially those relating to hospital zones and localities and neutral zones, have rarely been applied. Statistics show that in armed conflicts since the adoption of the Convention more men have been killed than in the Second World War and that the proportion of civilians among them is alarming—as high as 90% in some situations. It is easy to see, therefore, that the protection of the civilian population in armed conflicts is more urgently necessary than ever.

Not until 1956-57 were efforts undertaken to achieve that objective; again it was the ICRC which took the initiative. The 20th International Red Cross Conference at Vienna in 1965 was a climacteric: it adopted a resolution on the “Protection of Civilian Populations against the Dangers of Indiscriminate Warfare”, which embodied a number of principles for protection. This was an outcome of the efforts of the ICRC which, in 1956, with the help of experts, had drawn up the “Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War”. In 1957 that draft was submitted to the 19th International Red Cross Conference in New Delhi.

In 1968 the United Nations General Assembly adopted Resolution 2444/XXIII, the operative paragraphs of which include general principles of protection, valid for all armed conflicts. These principles consist: (1) in the prohibition of attack against the civilian population as such (para. 1. b), never before mentioned in an international document, and (2) in the need to spare the civilian population as much as possible when conducting military operations (para. 1. c.)

Since then the U.N. General Assembly has adopted each year a resolution encouraging efforts in that direction. The ICRC, for its part, prepared and submitted, as a basis for discussions at the Geneva Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law, the Draft Protocols additional to the Geneva Conventions of 12 August 1949. On that basis, on 8 June 1977, was adopted the Geneva Protocol I which, in Part IV, proposes fuller regulations on the protection of civilians.

2. DEFINITIONS

The essential innovation of Geneva Protocol I lies in the fact that, apart from affording immunity to the civilian population in general during

armed conflicts, it introduces into positive law a number of definitions of basic concepts. These are essential for effective protection.

(a) Definition of civilian persons and population

International humanitarian law is based on the fundamental difference between persons who do take a direct part in an armed conflict—i.e. combatants—and those who do not. Although the distinction is unanimously recognized in international law,⁵ the civilian population found itself in an unfortunate position: the distinction was difficult to draw because the basic concept was not defined. Positive international law did not answer the questions: “What is meant by civilian population?”, “What are military objectives?” and so on.

The difficulty was all the greater in practice: it is really difficult to draw the line between combatants and civilians, especially in present-day conflicts—as is proved, incidentally, by analysis of the combatant category. That is why debates on the subject inclined to the formulation of a negative definition. For instance, at the outset, it was proposed to exclude from that category persons participating directly in hostilities. In a restrictive interpretation, the expression “direct participation in hostilities”, as distinct from the war effort,⁶ assumes the commission of an act of war striking direct at the adversary’s military potential;⁷ “persons taking a direct part in hostilities”, the ICRC experts considered, even if their contribution to the war effort is indirect, may not be attacked on the grounds that they are ‘quasi-combatants’, for that would lead to abuse. For example, if a workman in a factory could be attacked, why not his wife who brings him food? ⁸ In contrast, civilians in or near a military objective run the risks arising from attacks on that objective.⁹

On the basis of conclusions, the ICRC submitted to Committee III at the second session of the Conference of Government Experts, a draft article defining civilian population as follows:

⁵ This and other principles were reaffirmed in Resolution XXVIII of the 20th International Red Cross Conference and in Resolutions 2444/XXIII and 2675/XXV of the U.N. General Assembly.

⁶ The war effort is defined as all activities which in one way or another contribute to the continuation of hostilities. Civilian population may contribute to the war effort without losing the right to protection.

⁷ *Draft Additional Protocols to the Geneva Conventions of 12 August 1949, Commentary*, ICRC, Geneva, 1973, p. 58.

⁸ Doc. D.S. 4 a, b, c: *Reaffirmation and Development of Laws and Customs applicable in Armed Conflicts*, Geneva, 1969, p. 69.

⁹ *Ibid.* This conclusion drawn by the ICRC is given in article 6 of the Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War.

“Article 41. (1) Any person who is not a member of the armed forces and who, moreover, does not take a direct part in hostilities is considered to be a civilian. (2) The civilian population comprises all civilians fulfilling the conditions stipulated in the foregoing paragraph. (3) *Proposal I*: The presence, within the civilian population, of individuals who do not conform to the definition given in paragraph 1 does not prevent the civilian population from being considered as such, reservation being made for articles 45 (5), 49, 50 and 51 of the present Protocol. *Proposal II*: The presence, within the civilian population, of individual combatants does not prevent the civilian population from being considered as such, reservation being made for articles 45 (5), 49, 50 and 51 of the present Protocol.”¹⁰

With the idea of defining this concept in a manner taking into account the necessities involved in the application of humanitarian law, most of the delegates at the Diplomatic Conference opted for the adoption of a fuller text:

“Article 50. *Definition of civilians and civilian population.* 1. A civilian is any person who does not belong to one of the categories referred to in Article 4 A (1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol. In case of doubt whether a person is a civilian, that person shall be considered to be a civilian. 2. The civilian population comprises all persons who are civilians. 3. The presence within the civilian population of individuals who do not come within the definition does not deprive the population of its civilian character.”¹¹

The definitions contained in the above article of the Protocol is fairly extensive, taking into account also the objective sought, which gives it a functional aspect, and the people to be protected. The Protocol defines in this manner both individual civilians and the civilian population as a whole. In the category “civilian” the Protocol includes all persons in the territory of the parties to the conflict who are not members of the armed forces. This is because article 4 A of the Third Geneva Convention of 12 August 1949 on the status of prisoners of war relates only to persons protected against despotism by the occupying power and not to the civilian population as a whole, while article 43 of the Protocol defines

¹⁰ Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, second session, 3 May-3 June 1972. Report on the Work of the Conference, Vol. II (Annexes), Geneva, July 1972, p. 7.

¹¹ Such a definition of civilian population is not given in Protocol II, although the Conference did discuss the problem.

armed forces. Consequently, all persons entitled to protection on the basis of article 4 A of the Third Geneva Convention and those not included in the category "armed forces" pursuant to article 43 of the Protocol are civilians. These persons as a whole form the civilian population. With a mainly humanitarian objective—protecting civilians from the effects of hostilities—the authors of the Protocol endeavoured to overcome practical difficulties in distinguishing the combatant from the civilian: they presumed to be non-combatant, and treated as such, any person about whom there were doubts.

The third paragraph was prompted by the idea that isolated members of the armed forces sometimes mingle with civilians in the event of armed conflict. In such a situation the status of the civilian population remains unchanged; its right to protection is retained. The situation changes and protection ceases when there are complete military units and formations among the civilian population.

(b) Definition of "attack"

In order to lay down objective standards for civilian population protection in armed conflict and to spare the civilian population from the effects of hostilities, the Geneva Diplomatic Conference undertook to define even more clearly a larger number of terms used to facilitate identification of illegal acts committed by a belligerent. As one of the basic rules of protection is the ban on attack of the civilian population, the Conference endeavoured to define the term. Consequently, paragraph 1 of article 49 of Protocol I states that "attacks" means acts of violence, whether offensive or defensive.

Paragraph 2 states: "The provisions of this Protocol with respect to attacks apply to all attacks in whatever territory conducted, including the national territory belonging to a Party to the conflict but under the control of an adverse Party."

This definition is seriously limited by paragraph 3 which specifies that such attacks are forbidden only *on land*, not at sea or in the air or outer space.¹²

Many States at the Conference argued in favour of deleting this limitation and of extending the meaning of "attacks" in order to protect

¹² This paragraph reads: "The provisions of this Section apply to any land, air or sea warfare which may affect the civilian population, individual civilians or civilian objects on land. They further apply to all attacks from the sea or from the air against objectives on land but do not otherwise affect the rules of international law applicable in armed conflict at sea or in the air."

civilian property at sea and elsewhere. The western States objected on the grounds that special rules applied to naval warfare.¹³

The Geneva Diplomatic Conference defined the term "attack" in a manner to give it the minimum purport, and it did not elucidate a number of concepts used in the Protocol, such as military operations, hostilities, acts of violence detrimental to the protection which it is intended to grant the civilian population, etc.

(c) The distinction between civilian property and military objectives

Directly related to protection of civilian population in armed conflicts is the distinction between military objectives which may be attacked by the enemy and property of a civilian character falling into the category of objectives protected by international humanitarian law.

Positive international law contains no rule relating to this distinction which, nevertheless, is recognized as a customary principle in the St. Petersburg Declaration of 1869 (second Preambular clause), the Hague Regulations of 1907 (article 23.g) and the United Nations General Assembly Resolution 2675/XXV (5). As a source of law, the principle has been clearly defined by the Institute of International Law at its Edinburgh meeting in the Resolution of 9 September 1969.¹⁴

The existence of this principle being unanimously recognized, the question of its function and scope arises: does it measure up to the realities of present-day armed conflicts? If so, is it sufficient to ensure that the civilian population is protected? Should other concepts, such as military objective, non-military objective, etc., be specified in law?

To the first question, some specialists and experts replied 'no'. Weapons of mass destruction and certain methods of war, such as indiscriminate bombing, they said, had made the distinction obsolete.¹⁵ Others proposed omitting aspects relating to nuclear weapons, which corresponded to "an equilibrium intended especially to make widespread

¹³ The United Kingdom invoked the 1936 London Protocol which obliges submarines to pick up the passengers of shipwrecked merchant vessels.

¹⁴ The definition was repeated by the ICRC in article 43 of the Draft Protocol, as follows: "In order to ensure respect for the civilian population, the Parties to the conflict shall confine their operations to the destruction or weakening of the military resources of the adversary and shall make a distinction between the civilian population and combatants, and between civilian objects and military objectives." Doc. CDDH/1 of the ICRC.

¹⁵ *Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts (Geneva, 24 May-12 June 1971), Report on the Work of the Conference, ICRC, Geneva, Aug. 1971, p. 80.*

conflict improbable or impossible", and concentrating on military methods actually used.¹⁶ A third category of experts was of the opinion, and rightly so, that legal rules in force for the protection of the civilian population and non-military objectives applied to all types of armed conflicts.¹⁷ Other opinions were also expressed: to adopt a more flexible version of the principle, as its observance as it stood was very difficult because the attacker's information about the targets was necessarily limited.

To define the principle is no easy matter; more complicated still is the difficulty of giving a definition *de lege lata*. Such a definition must be based on objective realities, must take into account the possibilities of translating into fact, and must especially aim to achieve a precise and clear objective.

Let us, in that case, examine the objective data involved. First, the existence of the principle of distinction. Immediately it is formulated and unanimously recognized, it becomes a legal standard binding on every State. It is operative solely in armed conflicts. Its enimently humanitarian potentials confer on it a universal function: it applies in all armed conflicts.

Application of this principle is closely connected with conditions of present and future wars; weapons, methods of fighting, etc. The problem on this point is solved. Weapons of mass destruction and methods of total war are already outlawed by international law. The metalegal arguments which we have already invoked, such as the existence of a balance of power as a reciprocal deterrent to the use of forbidden means and methods, are matters of fact; what interests us, however, are the matters of law to which we have referred above.

Our objective in formulating such a definition is to confer more effective and better immunity on protected persons. Would a "minimum" definition serve the purpose? Of course not! It would, in our opinion, only make it easier to transgress the principle legally. That is why we consider that the definition proposed by the Romanian delegation at the first session of the Conference of Experts fully achieves the objective proposed. It was worded as follows: "In the conduct of military operations, a clear distinction should at all times be made between, on the one hand, persons taking a direct and immediate part in military operations and, on the other hand, persons who are members of the civilian population, so that the latter and their dwellings, property and other

¹⁶ *Ibid.* p. 80.

¹⁷ *Ibid.* p. 80.

amenities which they use shall never be the object of military operations and shall in all circumstances be spared from the ravages of war.”¹⁸ To make this principle effective, it is necessary to define exactly the concepts “military objective”¹⁹ and “non-military objective”, and to do so in order also to distinguish unlawful acts from those which are permitted.

What is a *military objective*?

In 1957 the ICRC drew up a text which it submitted to the International Law Commission for discussion and approval. Since then discussion of this problem has continued and efforts are still being made to determine what the problem is exactly. In general the enemy’s combat forces, the means of warfare and specifically military installations are considered to be military objectives. In contrast, non-military objectives are individual civilians, the civilian population, objects and installations protected by the humanitarian Conventions, cultural property and so forth.

In the draft rules limiting the dangers incurred by the civilian population in time of war, drawn up at the 19th International Red Cross Conference, two conditions were required of an objective to be considered ‘military’, namely: 1. it should, *by its very nature* be recognized to be of *military interest*; 2. that *in that case* its complete or partial destruction would give the attacker a *military advantage*.

The ICRC definition, considered as a good starting point by the experts, was not endorsed by specialists. Some suggested dividing objectives into two categories: direct military and indirect military; the latter, including food processing factories and harvests of which the destruction would weaken the enemy’s resistance, would sometimes be more important than direct military objectives.²⁰

Georg Schwanzenberger proposed, at the Institute of International Law, a three-point distinction referring solely to persons affected by war and not to objects and objectives: 1. All persons involved in the war effort,²¹ whether members of the armed forces or civilians, are military

¹⁸ Doc. CE/COM.III/6, pp. 25-26.

¹⁹ Various international laws refer to, but do not define, “military objective” (see art. 8 of The Hague Convention of 14 July 1954 on the protection of cultural property in armed conflict, and art. 19 of the Fourth Geneva Convention of 12 August 1949 on the protection of the civilian population in war).

²⁰ See E. Giraud, in *Les problèmes que pose l’existence des armes et la distinction entre les objectifs militaires et non-militaires en général*, Provisional report submitted to the Institute of International Law, Fifth Commission, Geneva, 1964, p. 30.

²¹ The term implies both actual military operations and the production of equipment of war.

objectives; 2. Persons in zones considered to be the object of war, i.e. actual or likely zones of operation, such as the objectives described by the 1949 and 1954 Conventions, should run all the risks their presence involves; 3. Persons not referred to in (a) and (b) are the only ones who may not lawfully be affected by war.²²

Who would be protected by this definitions? In the first case: with the exception of children and old people, all the population participates in one way or another in the war effort; in the second case: because of methods of combat, particularly aircraft, rockets, etc. in contemporary conflicts, the whole territory of a State is a war zone, or at least a possible war zone. In conclusion, since in present-day conflicts the whole population participates in the war effort and the entire territory of the State is a possible zone of operations, a person's involvement in the war effort and his location may not, in our opinion, be taken as criteria for the distinction between military and non-military objectives.

Discussions at the United Nations, although they have not led to the formulation of any such definition, have consolidated *military interest* and *defensive value* as essential criteria for distinction. These criteria were endorsed also by the resolution of the Institute of International Law which states that the only objectives which may be considered as military are those which by their nature or their military use for another purpose are of generally recognized military interest, and of which the partial or complete destruction would afford a substantial military advantage to the attacker.²³

After the Second World War, interest in defining *non-military objectives* increased, for the Western powers especially showed a constant inclination to include in the concept of military objective everything which was not expressly protected by the Geneva Conventions. That interest was shown in the effort to give a positive definition to the term. This proved to be difficult, however. In the first place, conditions prevailing in an armed conflict in which the whole population takes part and to which all State resources contribute make it difficult to separate clearly military objectives from non-military objectives. For example, the experts pointed out that there were objectives which were not *by nature* military but could be military in conditions of *genuine military interest* (e.g. the undermining of the population's morale). According to one expert the dropping of the atomic bomb on Japan testified to an international custom based on the legal conviction that the rules of war

²² See Goerg Schwartzenberger, in *Les problèmes que pose . . . op. cit.*, p. 22.

²³ *Les problèmes que pose . . . , op. cit.*, p. 22.

conventions may be nullified.²⁴ There are also complex objectives in which are associated, at the same time and by an almost indissoluble link, special military objectives and non-military—and even protected—objectives.²⁵

Mindful of this, some specialists opted for the inclusion, in the definition of non-military objective, of specially protected persons and things, such as prisoners of war, the wounded, the sick, the shipwrecked, pregnant women, old people, Red Cross medical personnel, civilian hospitals, ambulances, etc.²⁶ Von de Heydte and Eustathiades would split non-military objectives into two categories: objectives protected pursuant to customary and treaty rules, and “simple” non-military objectives which, because of their natural or occasional purpose may not serve military ends. The attempt to formulate a positive definition—which would have been an important contribution to the development of international humanitarian law—was abandoned on the grounds that the definition was too restrictive.

It is not in the difficulties to be overcome—fairly big, incidentally—that the cause must be sought, but in the conflicting interests. Certain Western States, speaking for military circles, sought to impose on the conference a minimum definition, introducing “military necessity” which would have made the definition practically senseless and of a nature to favour the attacker. In contrast, the small and medium-sized States, the non-aligned States, wished to reach a binding and more objective definition which would not leave the attacker any scope for its interpretation in his favour. The proposal by the Romanian delegation was in line with that wish. It suggested the following wording: “Objects considered to be non-military are those not directly producing arms, military equipment and means of combat, or which are not employed directly and immediately by the armed forces, even if, as a result of a change in their utilization, they might subsequently assume a preponderantly military character.”²⁷

Finally, the Diplomatic Conference reached a compromise in which the definitions of the two concepts “military objectives” and “civilian property” are interdependent. Paragraph 1 of article 52 of Protocol I

²⁴ Such a point of view is a flagrant inexactitude, for State practice alone cannot constitute customary international law. To become customary, a practice must be of long standing, i.e. it must have been repeated, constant and general, in other words, practised also by other States. In addition, it must be based on subjective grounds: e.g. the general public conviction that law admits of such behaviour by a State.

²⁵ E. Giraud, *op. cit.*, pp. 26-27.

²⁶ Nagendra Singh, *Les problèmes que pose . . . , op. cit.*, p. 26.

²⁷ Doc. CE/COM III/27.

states: "Civilian objects are all objects which are not military objectives as defined in paragraph 2." Paragraph 2 specifies: "...military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."

The first conclusion to be drawn from this is that whereas civilian property is defined vaguely and negatively, military objectives are defined with precision, their essential characteristics being three in number, namely, their nature, their location, and their military use; their actual contribution to military action; definite military advantage.

With a view to further limiting latitude in interpretation, paragraph 3 lays down that "In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used." The subsequent articles of the Protocol dealing with the problem of protection relate to specific categories of civilian property, such as cultural property and places of worship (article 53), objects essential for the survival of the population (article 54), the environment (article 55), and works and installations containing dangerous forces (article 56). Incidentally, article 52 includes two new rules, formulated for the first time in positive law: the first, in paragraph 1, is that civilian property should not be the subject of attack or reprisal; the second restricts attacks strictly to military objectives.

3. FUNDAMENTAL RULES OF PROTECTION

The Geneva Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law has to its credit, among other things, the fact that it included in the documents it adopted some fundamental rules for the protection of civilian population during armed conflict. It undertook to promulgate rules to protect civilian persons as such and the civilian population as a whole, together with their belongings, in situations arising in all types of armed conflict, from the direct effect of hostilities and from possible tyranny of an occupying power. For the first time international positive law contains a basic rule having the force of a principle and according to which belligerents shall in all circumstances distinguish civilian population from combatants and objects of a civilian character from military objectives, and limit their attacks to the latter.

It may be a cause of general satisfaction that this conference reaffirmed, gave precision to and sometimes defined standards to which no more than allusion had been made in international instruments, and that it drew up new rules designed to protect the civilian population, its property and certain places from the risks in which they are involved during armed conflict. These rules consolidate the status of the civilian population of territory occupied by an enemy.

(a) Status of civilian population on its own territory

Analysis of the two Protocols drawn up by the Conference corroborates the idea that, by the regulations mentioned, the Conference intended to solve two types of problem: protection of the civilian population and protection of objects of a civilian character.

1. Rules for civilian population protection

What are the categories of protected persons according to the law in force, and against what acts are they protected? As a result of previous developments, international humanitarian law provides protection for certain categories of persons. Originally it provided *special* protection for combatants withdrawn from the fighting—wounded, sick, shipwrecked and prisoners of war—and for the medical and religious personnel who tended them. The changes which have occurred in the structure of armed conflicts raised the serious problem of special protection for certain categories of persons among the civilian population,²⁸ and of *general* protection for civilian persons and population as such.

As the concepts “civilian persons” and “civilian population” have been analysed in the preceding paragraph, we shall deal below solely with the problem of protection for civilian persons and population.

A new rule in international humanitarian law—article 51 (1) of Protocol I—confers *general protection* on the civilian population and individual civilians against dangers arising from military operations.²⁹ Some rules, in addition to those which already existed, supplement this one to make it effective. They are prohibitive rules, forbidding deliberate attack on the civilian population, acts or threats of violence of which the

²⁸ I.e. civilians carrying out a humanitarian function—civilian medical personnel, civil defence personnel—and those protected by reason of their condition (age, sex, state of physical or mental health, functions, etc.): children, women, journalists, police, fire-brigade staff, etc.

²⁹ Civilian persons taking a direct part in hostilities are not entitled to protection so long as they continue taking such a part.

main aim is to terrorize the population, indiscriminate attacks and attacks by way of reprisals.

The Protocol introduces a distinction between attacks in general, which may not be aimed against the civilian population and civilian persons, and indiscriminate attacks defined as: (a) attacks which are not directed against specific military objectives; (b) attacks by methods or means of combat which cannot be directed against a specific military objective; or (c) attacks which employ a method or means of combat whose effects cannot be limited as required by the Protocol, and which, consequently, are of a nature, in each such case, to strike military objectives and civilians or civilian objects without distinction. The following types of indiscriminate attack are given as examples: (a) attack by bombardment by any methods or means which treat as a single military objective a number of clearly separate and distinct military objectives in a locality or area with a heavy concentration of civilians or civilian objects; (b) attacks which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination of loss and damage which would be excessive in relation to the concrete and direct military advantage anticipated.

One rule forbids the use of the civilian population or persons to shield certain points or areas from military operations, or to shield, favour or impede military operations. It is also forbidden to direct the movement of the civilian population or individual civilians to shield military objectives from attack or to shield military operations. Depriving civilians of food, as a method of warfare, is absolutely forbidden.

These prohibitions have acquired a general and absolute nature. No breach or pretext may exonerate a transgressor of legal responsibility or relieve him of the obligation to take the necessary precautions. These precautions, laid down in articles 57 and 58, supplement the provisions of the Hague Regulations of 1907. For example, after stating a general rule to the effect that military operations should be conducted with constant care to spare the civilian population, civilians and civilian objects, the Protocol lists the protective measures to be taken by both the attacker and defender. Those who plan or decide upon an attack shall do everything possible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection; they must also take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any case to minimizing, loss of civilian life, injury to civilians, damage to civilian objects, or loss and damage which would be excessive in relation to the concrete and direct military advantage anticipated. An attack shall be

cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack may be expected to cause incidental loss of life or injury to civilians and damage to civilian objects. In case of attacks which may affect the civilian population, effective warning must be given in good time whenever circumstances permit. When a choice is possible between several military objectives to obtain the same military advantage, the objective selected shall be the one on which an attack is least dangerous for civilians and civilian property.

One of the rules relates to naval and aerial operations. It requires the parties to a conflict, pursuant to their rights and duties under the rules of international law applicable in armed conflict, to take all reasonable precautions to avoid civilian loss of life and damage to civilian objects.

These rules, too, are absolute and general, as a result of article 57 (5): "No provision of this article may be construed as authorizing any attacks against the civilian population, civilians or civilian objects."

To protect the civilian population and objects from the effects of attack, the defending State is duty bound to take the following precautions:

- (a) remove the civilian population, individual civilians and civilian objects under its control from the vicinity of military objectives;
- (b) avoid locating military objectives within or near densely populated areas;
- (c) take all other necessary precautions to protect the civilian population, individual civilians and civilian objects against the dangers resulting from military operations.

Many of these provisions repeat to a considerable extent the wording of proposals made by the Romanian delegation to the first conference of government experts.³⁰

The rules laid down in Protocol I provide the civilian population, for the first time, with well-defined legal status protecting it from possible risks during armed conflict, e.g. direct attacks, unlawful methods and means of warfare—indiscriminate bombardment, economic warfare methods, etc.—but not against weapons of mass destruction, so that the extent of protection afforded is limited. Moreover, the reluctance to extend protection of the civilian population to include protection from weapons of mass destruction was clear during the proceedings of the

³⁰ CE/COM.III/6; CE/COM.III/13.

Committee on Weapons of the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law, at which the large nuclear powers adopted a common 'play-it-down' attitude.

2. Rules for the protection of civilian objects

Inspired by the humanitarian idea of sparing everything not directly and immediately related to hostilities, the regulations decided upon by the Diplomatic Conference are intended to confer general protection on objects normally used for civilian purposes. Defined, as already mentioned, by the Geneva Protocol I, they are, for the first time, the subject of a rule that "Civilian objects shall not be the object of attack or of reprisals".⁸¹

The protective measures specified in the regulations differ, depending on the nature of the category of object protected and on the function of the object in the material and spiritual life of the people. Some objects are covered by general protection and others by special protection.

New rules were added to the system of special protective measures for cultural property, on which attention had been focused also in the past, in the 1907 Hague Regulations and, especially, the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict. For instance, the new rules of the Protocol forbid any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, the use of such objects in support of the military effort, and to make such objects the object of reprisals.

Two further categories of civilian objects are covered by the rules established for the protection of civilians. The first is of objects essential to the survival of the civilian population. Apart from laying down a series of measures to protect the population from the direct effects of attack, the Protocol aims to protect the civilian population from certain indirect effects of war which are inseparable from war. International conflicts have proved that one objective the belligerents seek is the destruction of the enemy's economic potential, his means of subsistence, and the weakening of his resistance. The first to feel the effects are the civilians. The Diplomatic Conference endeavoured to change that, and the Protocol forbids economic warfare methods which consist in starvation by the destruction of objects essential to the civilian population. For example, it is forbidden to attack, destroy, remove or render useless

⁸¹ Article 52(1), Protocol I, entitled "General protection of civilian objects".

objects of this category, or to make them the object of reprisals. This prohibition does not apply to objects used as sustenance solely for the members of the armed forces or in direct support of a military operation, provided, however, that in no event shall action against these objects be taken which may be expected to leave the population with such inadequate food or water as to cause its starvation or force its movement.

Also protected are objects whose destruction might have disastrous or incalculable effects, such as works and installations containing dangerous forces, e.g. dams, dykes,³² and nuclear electrical generating stations. Such works and installations may not be the object of attack or reprisals even if they constitute military objectives. Neither may military objectives near such works and installations be attacked. In view of the disastrous consequences which the destruction of such objects might have for the civilian population of a State, their special protection shall not cease in any circumstances: dams and dykes may not be attacked even when used in regular, significant and direct support of military operations and if attack is the only feasible way of terminating their military function. The same applies to nuclear power stations even if they supply current in regular, significant and direct support of military operations. It is also forbidden to attack other military objectives on or near such works or installations, even if they are used in regular, significant and direct support of military operations.

The Protocol recommends States not to locate military objectives in the vicinity of such works or installations, unless solely to defend such works and installations. Such military objectives shall not be the object of attack, on condition that they are not used in hostilities except to respond to attack upon the works or installations protected and that their armament is limited to weapons capable only of repelling an attack.

To provide extra protection for this category of object the parties are urged to conclude agreements among themselves and, to facilitate identification of such objects, to mark them with a special sign consisting of a group of three bright orange circles placed on the same axis.

Some observations may be made and conclusions drawn from an analysis of the rules for the protection of civilian objects. The underlying idea was to protect civilian objects in terms of the protection of the civilian population, with a view to shielding the civilian population and the objects indispensable to it from the consequences of armed conflict

³² A rule to that effect had been proposed by the Netherlands at the 1907 Hague Conference, but was not approved.

should it break out. Thus, for the first time, a broad range of protection has been granted to human beings and objects which have no direct and immediate relationship with operations of war. How effective are those rules likely to be? While these rules are cause for satisfaction, it must be admitted that there are serious limits to their effectiveness. In the first place, the general protection conferred by article 52 of the Protocol is no more than a declaration, with no measure or guarantee provided to ensure its implementation. Secondly, civilian objects are protected solely from direct attack, but not from the indirect risks consequent upon attack directed against military objectives. In addition to these shortcomings, the vague definition of civilian object and the noticeably subjective nature of the "military objective" definition—the two definitions being interdependent—may allow a military commander to make his own assessment of a situation. In our opinion, a list of examples of civilian objects would considerably have reduced the scope for subjective judgement.

3. Protection of places and localities organized for special purposes

The Protocol being intended to confer genuine immunity from the effects of war on the population, two of its articles are designed to protect populated areas or those of special economic, cultural, historic, scientific and other importance.

The first of these two regulates the status of *non-defended localities*. This is not a recent concern. The first rules in that direction were contained in the 1907 Hague Regulations, article 25 of which forbade the attack or bombardment by any means whatsoever of undefended towns, villages, dwellings or buildings. Article 1 of the 1907 Hague Convention on Bombardment by Naval Forces in Time of War prohibited such bombardment of undefended ports, towns, villages, dwellings or buildings.

Restating that prohibition, the Geneva Protocol regulates the establishment of non-defended localities, the conditions with which they must comply, their marking and the loss of non-defended status.

The undefended locality shall be declared as such by the competent authorities to the adverse party, and at the same time its limits shall be communicated. Any inhabited place near or in a zone where armed forces are in contact and which is open for occupation by an adverse party may be declared a non-defended locality. Such a locality shall fulfil the following conditions: combatants, mobile weapons and mobile military equipment must have been removed; no hostile use shall be made of fixed military installations and establishments; the authorities

and population shall commit no hostile act; no activities in support of military operations shall be undertaken. Arrangements for the marking of a non-defended locality shall be agreed upon with the adverse party and the markings shall be placed on clearly visible places.

Legally, a locality acquires non-defended status when it meets the aforesaid conditions and loses that status when it no longer fulfils those conditions. In the latter event, the locality continues to enjoy the protection provided for in the other provisions of the Protocol or of international law applicable in armed conflicts.

Demilitarized zones differ from non-defended localities in the manner in which their status is established, namely by agreement concluded between the parties orally or in writing, direct or through a protecting power or a humanitarian organization. Such an agreement consists in reciprocal and concordant declarations and may be concluded in peacetime as well as after the outbreak of hostilities. It should define as precisely as possible the limits of the demilitarized zone and if necessary lay down the methods of supervision. The subject of such an agreement should comply with the conditions which such a zone must fulfil. These conditions are almost the same as those required of non-defended localities. Upon the conclusion of such an agreement and conformation of the zone concerned with the agreed conditions, the zone acquires the status of a demilitarized zone. It will be marked by signs agreed upon by the parties: any military operation in such a zone shall be forbidden. No party to a conflict having concluded an agreement to that effect may use the zone for purposes related to the conduct of military operations or unilaterally cancel the agreement. The zone loses its status in the event of a material breach thereof by one of the parties.

In theory the establishment of non-defended localities or demilitarized zones increases the protection of the civilian population, but in practice their establishment is highly unlikely, for the conclusion of such agreements during armed conflict is very difficult. It is common knowledge that the similar provisions of the Geneva Convention on hospital zones and localities have seldom been put into effect.

(b) New factors in the status of civilians on territory occupied by the enemy

In practice there are two distinct types of occupation of enemy territory, depending on the objective of such occupation and the conditions in which it takes place. First there is the classic *ocupatio bellica*, consisting in the armed invasion of a territory and its occupation for

the purpose of exercising temporary authority over it.³³ The second type is *foreign occupation*, to which reference is made in recent documents of international law, including the Geneva Protocol (para. 4 of article 1) which covers all possible forms of penetration by foreign troops into the territory of a State: i.e. at the invitation of the authorities in the case of an internal conflict, on the pretext of such an invitation, on the basis of an agreement, on the basis of a treaty imposed by force, etc.

Occupation of foreign territory, whatever the form it takes and whatever the motive invoked, is an unlawful act, an act of aggression which is a crime under the rules and principles of contemporary international law.³⁴ Notwithstanding, when such an act is committed, the occupying power has certain duties, for both the administration of the territory occupied and the protection of civilians remaining in the territory.

The status of civilian persons in enemy-occupied territory is covered by section III of the 1907 Hague Regulations and by the Fourth Geneva Convention of 12 August for the protection of civilian persons in time of war. However, as we have seen, the provisions of these documents have many times been ignored in recent armed conflicts.

In anticipation of such situations and to consolidate the protection of the civilian population, the Geneva Diplomatic Conference attempted to supplement the rules of the Fourth Geneva Convention relative to the humanitarian protection of civilians and civilian objects in the power of a party to a conflict. For example, in Part IV of the Protocol adopted by the Conference, Section II, "Relief in favour of the Civilian Population", in principle, supplements articles 23, 55, 60, 61 and 62 of the Fourth Convention, and Section III, "Treatment of Persons in the Power of a Party to the Conflict", supplements, in particular, Parts I and III of the said Convention.

One of the occupying power's obligations is to ensure provision of essentials to the survival of the population. Article 55 of the Fourth Convention placed on that power the onus of ensuring, to the fullest extent of the means available to it, the food and medical supplies of the population; when these are lacking in the occupied territory, the occu-

³³ In the classical concept of the law of war, *ocupatio bellica* was actual occupation without conveyance of sovereignty; it involved only the temporary and limited substitution of authority. For details, see Col. Vasile Gherghescu and Dr. Ionel Cloșcă, *Règles de droit international relatives à l'état de paix et à l'état de guerre*. Editions Militaires, Bucharest, 1972, pp. 229-232.

³⁴ See para. 4, art. 2 of the U.N. Charter; the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (principle 1); the 1977 definition of aggression.

pying power should obtain them from other sources. It was forbidden for the occupying power to requisition food or medicaments in the occupied territory except for use by the occupation forces and administration personnel, and then only to the extent that such food was surplus and provided that fair value was paid for it. The protecting powers were entitled at any time to verify the state of the supplies available in the occupied territories. Article 69 of Protocol I supplements these regulations by adding that "... the Occupying Power shall, to the fullest extent of the means available to it and without any adverse distinction, also ensure the provision of clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship." If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory—says article 70 of the Protocol—is not adequately provided with food and other supplies, humanitarian relief action shall be undertaken. In the distribution of relief priority shall be given to children and expectant and nursing mothers. The parties to the conflict and the Contracting Parties to the Protocol shall allow and facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel. They may prescribe the technical arrangements. They may make their transit authorization conditional upon the on-the-spot supervision of the relief distribution by a protecting power. They shall not divert relief consignments from their destination nor delay the forwarding thereof. Relief consignments shall be protected and relief actions shall be encouraged and facilitated by the international co-ordination of the parties to the conflict and the Contracting Parties.³⁵

The Protocol also provides that personnel participating in relief actions, in particular for the transport and distribution of relief, must be approved by the party on whose territory they will carry out their activities. Such personnel shall be respected and protected and, provided that they do not exceed the terms of their mission and that they take account of the security requirements of the territory concerned, their activities and movements may be restricted only when necessary.

This rule gives rise to one observation: neither the State national central bodies nor the National Red Cross Society being involved, the relief action assumes to some extent a "supra-state" character which, in our opinion, impairs its efficiency.

³⁵ Relief action for the civilian population of occupied territory is governed by articles 59-62 and 108-111 of the Fourth Geneva Convention of 1949 and by article 71 of Protocol I of 10 June 1977.

Section III of Part IV of the Protocol, as we have just said, regulates the treatment of persons in the power of a party to a conflict. It comprises three chapters: Chapter I entitled "Field of Application and Protection of Persons and Objects"; Chapter II, "Measures in Favour of Women and Children"; and Chapter III, "Journalists".

Parts I and III of the 1949 Geneva Convention are concerned with the detailed protection of persons and civilian objects in enemy-occupied territory. Protocol I merely adds a few new rules concerning refugees and stateless persons (article 73), the reuniting of dispersed families (article 74) and some fundamental guarantees. The purposes of these new rules are: to include among the beneficiaries of the protection afforded by the two parts of the Fourth Convention persons who, before the outbreak of hostilities, are considered to be stateless or refugees with the meaning of international instruments or the national legislation of the State of asylum or residence; to facilitate as much as possible the reuniting of families dispersed by armed conflict; and to encourage humanitarian organizations in their work for such families.

The guarantees provided for in article 75 of Protocol I are intended to define the status of this new category of persons entitled to protection. The provisions of this article fill one of the loopholes in positive law which excluded from the benefit of protection the citizens of a State not bound by treaty, the citizens of a neutral or co-belligerent State on the territory of a party to a conflict, and the citizens of parties to a conflict (cf. article 4 of the Fourth Convention).

In their favour the following rules, laid down in the Fourth Convention for the benefit of other categories of persons, have been enunciated: they shall be treated with humanity in all circumstances; the protection accorded to them shall be applied on an equal basis whatever their race, colour, sex, language, religion, wealth or other criteria; their person, honour and religious convictions and practices shall be respected. It is forbidden for civilian or military agents at all times and in all places to commit any of the following acts against such persons: violence to life, health and physical or mental well-being (murder, physical and mental torture, corporal punishment, mutilation, outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution, etc.), the taking of hostages, collective punishments, and threats to commit any of the foregoing acts. Some guarantees are provided for persons arrested, detained or interned for actions related to armed conflict, and there are others relating to the passing and enforcement of sentences, etc.

Chapter II of this section is concerned with persons entitled to special protection by reason of their condition, namely, women and children.

The Fourth Geneva Convention contains a whole series of rules for the protection of women and children. However, the origin of the provisions contained in article 76 of the 1977 Protocol is a resolution of the U.N. Economic and Social Council of April 1970 on the protection of women and children in time of emergency, war, struggle for peace, national liberation and independence, inviting the U.N. Secretary-General to give special attention to this problem.³⁶

The Protocol contains three special rules relating to women in the power of an enemy or in enemy-occupied territory: (1) they shall be the object of special respect and shall be protected against rape, forced prostitution and any other form of indecent assault; (2) pregnant women and mothers with young dependent children, who are arrested, detained or interned for reasons related to armed conflict shall have their cases considered with the utmost priority; (3) parties to a conflict shall endeavour, to the maximum extent feasible, to avoid pronouncing the death penalty on pregnant women or mothers having dependent infants for an offence related to the armed conflict. The death penalty on such women for such an offence shall not be put into effect.

Protection of children is more far-reaching and more complex than in the Fourth Geneva Convention. Post World War II tragedies in which children so greatly suffered have strengthened the conclusion that the protection of the child must be consolidated in three essential aspects: against attack, against their use in armed conflicts, and in the relationship between children and the party in whose power they are.³⁷

For the protection of children in armed conflicts, the Geneva Diplomatic Conference, on the basis of a mandate from the U.N. Secretary-General and from the Economic and Social Council Resolution 1515/XLVIII dated April 1970, and on the basis also of an ICRC proposal inspired by article 16 of the Fourth Geneva Convention, included in Protocol I two articles—Nos. 77 and 78—for the special protection of children. “Children”, says article 77 (1) “shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.” *Intuitu*

³⁶ Resolution 1515/XLVIII/ECOSOC.

³⁷ In 1959 the U.N. General Assembly, by Resolution 1386/XIV, adopted the “Declaration of the Rights of the Child”, intended to ensure special protection for all children in all circumstances. The Declaration contains ten principles for all who have responsibility—parents, charitable organizations, local authorities and governments—who are invited to recognize and ensure the application of the rights of the child.

personae, the rule is very broad: it regulates the protection of children not only in enemy-occupied territory but in the territories of all parties to the conflict without distinction.

The involvement of children of less than 15 years of age in conflict is regulated in article 77 (2)-(5): parties to a conflict must take every feasible measure in order that such children take no direct part in hostilities, particularly by refraining from recruiting them into their armed forces. In other words, belligerents shall not tolerate or encourage in any form their indirect participation in sabotage, transport of arms or munitions, dissemination of news, etc. If, in exceptional cases, children who have not reached the age of 15 years take a direct part in hostilities and fall into the power of the adversary they shall continue to benefit from the special protection, whether or not they are prisoners of war. If arrested, detained or interned for reasons related to the armed conflict, they shall be in quarters separate from adults, and if sentenced to death for an offence related to the conflict the sentence shall not be put into execution on persons who had not attained the age of 18 at the time the offence was committed.

One practice current in armed conflicts is to transfer children to foreign countries to use them for various work or simply to deprive them of their nationality. For example, during the Second World War the Nazi authorities transferred children from occupied countries to the territory of the Reich and integrated them into German families in order to germanize them. This became more frequent and widespread in certain recent conflicts. To shield children from such practices, the Diplomatic Conference inserted article 78 into the 1977 Protocol, forbidding the removal abroad by a party to a conflict of children other than its own nationals, except for a temporary period made necessary for reasons of health or safety. Even in such a case the consent of the parents or guardians is required; if this cannot be obtained the written consent of the person who by law or custom is responsible for the care of the child is required. Any such evacuation shall be supervised by the Protecting Powers in agreement with the parties concerned, i.e. the party arranging for the evacuation, the party receiving the children and any party whose nationals are being evacuated. Throughout the whole period of evacuation each child shall be given adequate education. To facilitate their return to their families, the party which arranged the evacuation and, as appropriate, the authorities of the receiving country, shall establish for each child a card, with a photograph and the fullest possible information, and send it to the Central Tracing Agency of the International Committee of the Red Cross.

These rules for the protection of children during armed conflicts, laid down in recent international documents, supplement the provisions of the Fourth Geneva Convention of 1949 (para. 1, article 14—establishment of hospital and safety zones and localities; para. 1, article 23; para. 4, article 68).

(c) Status of journalists in areas of armed conflict

The problem of journalists who exercise their trade in dangerous conditions was mentioned in international law as early as at the beginning of the century. The Regulations annexed to the 1907 Hague Convention contain the following provision: "*Article 13.* Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying." This was repeated in the Geneva Conventions of 1929 and 1949 on the treatment of prisoners of war.

This rule governed the status of journalists in both the First and the Second World Wars when, in view of the danger to which they were exposed, they had a well-defined status: being accredited to the army they were obliged to obey the orders of the military commanders with respect to their movements and the information they transmitted.

The journalists' situation became much more dangerous in the post-1945 conflicts: without a front line, they could find themselves face to face with the enemy or might unwittingly wander into an enemy position. Indeed, there has been an increase of victims among journalists in recent conflicts. In view of the ever-greater danger they have to face, the protection afforded by international law has proved inadequate. For that reason several international fora have discussed the problem and the U.N. General Assembly has adopted resolutions related to it. For example, on 9 December 1970, Resolution 2673/XXV was adopted, expressing the necessity of drawing up a new international humanitarian agreement to provide better protection for journalists on perilous missions, especially in an area of armed conflict. On 20 December 1971 another U.N. resolution (2854/XXVI), taking into account the many documents³⁸ drawn up and the initiative of some States in that direc-

³⁸ Doc.A/8371 and Add. 1-3, including the draft annex to the Protocol relative to the composition and functions of the international professional committee for the protection of journalists on dangerous missions; Doc.A/8438 and Add.1 containing a draft international convention on the protection of journalists on dangerous missions; Doc.A/8371 and Add.1, containing general comments on the respective documents.

tion,³⁹ invited the Economic and Social Council to demand that the Human Rights Committee examine the documents in question as a matter of urgency, and that governments communicate their comments thereon.

The ideas put forward in these documents were very ambitious. Special uniforms and distinctive insignia (helmet, armband, a conspicuous distinctive sign) were suggested for journalists, and an identity card attesting to the bearer's *bona fide* journalist status. At the same time, it was to be made compulsory for all journalists to observe ethical rules, including those prohibiting direct or indirect participation in hostilities and the conveying of information of a military character from one belligerent to another, and imposing the obligation to restrict themselves to "pure" information without any expression of opinion on the justice or injustice of the belligerents' causes.

Finally, obstacles forced the abandonment of all these ideas and such regulations were deemed unrealistic. Other reasons were also invoked: the profession would be limited; a category of civilians with privileged status would be created; other civilians exposed to danger (members of the medical profession, of fire-brigades, of the police, etc.) would not have such status; the journalist profession would not be adequately organized nationally or internationally; etc.

Thus it was that the regulation issued by the 1977 Geneva Diplomatic Conference was of modest scope. It is contained in article 79 of Protocol I and expresses three ideas: 1. journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians; 2. they shall be protected as civilians provided they take no direct or indirect part in hostilities; 3. an identity card issued by the respective governments shall attest to their status as journalists.

* * *

Measures advocated for the protection of civilians and their property against risks occurring in armed conflicts do, of course, represent a new advance gained by mankind in its fierce struggle to limit the gravity and extent of such risks as much as possible. However, will they—even if strictly applied—suffice to protect the civilian population against the dangers of war?

Ionel Cloșcă

Dr. of Laws, Bucharest

³⁹ Doc.A/C.3/L 1902 (draft convention proposed by Australia); Doc.A/C.3/1 1903 (U.S. working document); Resolutions 1597 (L) of the Economic and Social Council of 21 May 1971 stating the Council's decision to submit to the General Assembly a draft international convention on the protection of journalists on dangerous missions.

INTERNATIONAL COMMITTEE OF THE RED CROSS

ADOPTION OF THE RED CRESCENT BY THE ISLAMIC REPUBLIC OF IRAN

Circular No. 72

Geneva, 5 November 1980

*To the Central Committees of National Red Cross
and Red Crescent Societies*

Ladies and Gentlemen:

On 4 July 1980 the Islamic Republic of Iran informed the International Committee of the Red Cross and the League of Red Cross Societies of its decision to adopt the red crescent instead of the red lion and sun as the distinctive sign of its armed forces' medical service. As a result, the Iranian National Society has changed its name and emblem. It is henceforth the "Iranian Red Crescent Society".

In accordance with the procedure followed for previous changes of emblem, the ICRC asked the Iranian Authorities that States parties to the Geneva Conventions of 12 August 1949 be officially informed of the change. In reply to a message from the Iranian National Society, the ICRC and the League, in a joint letter dated 30 July, underlined the necessity for such notification, adding that they could afterwards inform all National Societies and that this subject was included in the agenda of the next meeting of the League Executive Council.

On 4 September the Iranian Authorities notified the Swiss Government, the depositary of the Geneva Conventions, of the adoption by the Islamic Republic of Iran of the red crescent, and asked it to convey its decision to the States parties to the Geneva Conventions. This the Swiss Government did on 20 October.

At its meeting on 11 October, the League Executive Council was informed of the new name and emblem adopted by the Iranian National Society. The Council directed the League Secretary General to inform all National Societies members of the League.

Taking into consideration all the steps mentioned above, the ICRC and the League request all National Societies to take note of the new name and emblem of the Iranian National Society.

Yours faithfully,

H. Beer
Secretary General
League of Red Cross Societies

J. Moreillon
Director
Department of Principles
and Law
International Committee
of the Red Cross

Two new members of the ICRC

The Assembly of the International Committee of the Red Cross has elected two new members, Mr. Olivier Long and Mr. Dietrich Schindler, who took up their duties at the ICRC on 1 December 1980.

Mr. Olivier Long was born in Geneva in 1915 and studied law, economics and political science. He received a doctorate in law at the University of Paris, graduated at the *Ecole des Sciences politiques* in Paris and took a doctorate in political science at the Geneva Graduate Institute of International Studies.

During the Second World War, he worked for a time in the ICRC Secretariat before being appointed, in 1943, head of the Economic Service of the International Red Cross Joint Relief Commission, whose functions were to bring aid to civilian victims of the war. From 1944 to 1946, he was the Commission's delegate in London to deal with problems arising from the blockade.

After joining the Federal Political Department in 1946, Mr. Long was appointed Secretary of the Swiss Legation in Washington (1949-1954). From 1955 to 1966, he occupied the post of delegate of the Swiss Federal Council for trade agreements. During that period, he also led the Swiss Delegation to the European Free Trade Association (1960-1966). At the end of 1966, Mr. Long was appointed Swiss Ambassador in London and Malta. In November 1967, he was elected Director-General of GATT (General Agreement on Tariffs and Trade) by the member States, and remained in that post until September 1980.

Since 1962, Mr. Long has been teaching at the Graduate Institute of International Studies in Geneva. He has written numerous books and articles on international political and economic relations.

Mr. Dietrich Schindler, who is a Doctor of Laws, was born in Zürich in 1924. He has been teaching international, constitutional and administrative law since 1956, and since 1964, has occupied the post of Ordinary Professor in those subjects, at the University of Zürich. He has also given courses on those same subjects at Michigan University (1961-62), and at the Universities of Bonn (1957-1958), St. Gall (1962-1964) and Basle (1966-1970). He has been a member of the Institute of International Law since 1967 and of the Permanent Court of Arbitration at The Hague since 1977. He is the author of numerous books and studies on international law, human rights and humanitarian law.

Professor Schindler has already been a member of the ICRC, from 1961 to 1973. When he resigned in December 1973, he was made an honorary member of the ICRC and continued to sit on the ICRC's Legal Commission and to contribute articles to the International Review of the Red Cross.

The ICRC is very pleased at the prospect of benefiting from the valuable co-operation of its two new members.

The ICRC President in the People's Republic of China

Responding to a long-standing invitation from the Chinese Red Cross, the ICRC President, Mr. Alexandre Hay, was in the People's Republic of China from 2 to 11 November, accompanied by his wife, by the Director of the Operations Department, Mr. J.-P. Hocké, and by the Chief of the Dissemination and Documentation Division, Mr. R. Gaillard-Moret.

The presidential mission was warmly welcomed by the Chinese Red Cross and by its President, Mr. Qian Xin Zhong, who is also Minister of Health, and discussions were extremely fruitful.

The ICRC mission also had talks with senior government officials of the People's Republic of China including the Vice President of the Standing Committee of the People's National Assembly, Mr. Liao Cheng Zhi; the Vice Minister for Foreign Affairs, Mr. Zhang Wen Jin; the Deputy Director of the Political Department of the Ministry of Defence, General Yan Jin Cheng; and the Vice Minister of Education, Mr. Kao Yi. Discussions centred on topics of common interest, like the ratification by the People's Republic of China of the 1977 Protocols, the dissemination of international humanitarian law and humanitarian principles among the armed forces and in schools and ICRC activities throughout the world, in particular in the Cambodian conflict.

Mr. Gaillard-Moret prolonged his stay in Peking to discuss with the Chinese Red Cross, at the request of the Vice Minister of Education, the teaching and dissemination of international humanitarian law. He gave three lectures on the subject for the Chinese Red Cross, the People's University and Peking University.

ICRC mission in Moscow

An ICRC delegation, led by Mr. Richard Pestalozzi, Vice-President, who was accompanied by Mr. J. Moreillon, director of the ICRC Department of Principles and Law, and by Mr. Ph. Grand d'Hauteville, regional delegate for Europe, went to Moscow at the invitation of the Alliance of Red Cross and Red Crescent Societies of the USSR, and stayed there from 27 to 31 October 1980.

In the course of a lengthy series of discussions, the members of the delegation and leaders of the Alliance exchanged views on a great number of subjects, including the dissemination of knowledge of international humanitarian law; the ratification of the 1977 Protocols; the problem of Red Cross and Peace; and the ICRC's activities throughout the world.

At the ICRC delegation's request, arrangements were made for them to meet also a number of government officials. They had discussions with representatives of the Soviet Armed Forces and of the Ministry for Foreign Affairs, as well as prominent persons from scientific and university circles. One of the results of those conversations, in which the topics mentioned above were also discussed, was that the ICRC representatives and their interlocutors agreed to review ways and means of co-operation in the years ahead, in particular for dissemination of knowledge of international humanitarian law.

In its talks the ICRC delegation also raised the question of the humanitarian problems created by the conflict which was taking place in Afghanistan.

Declaration by UNITA

In a message addressed in French on 25 July 1980 to the ICRC and signed by its Information Secretary, the National Union for the Total Independence of Angola (UNITA) made the following declaration:

"We welcome your assistance project for Angola and have requested the above-mentioned to notify you of the terms of our declaration of principle, as follows:...

"UNITA renews its commitment to the Geneva Conventions and subscribes to the fundamental rules of international law applicable in armed conflicts..."

EXTERNAL ACTIVITIES

Africa

South Africa/Namibia

An ICRC team of four delegates, one of them a doctor, made a new series of visits to places of detention in South Africa, from 12 to 25 October. In eight places they had access to 515 convicted prisoners and four persons detained under Section 10 of the Internal Security Amendment Act.

Moreover, a second visit was made from 24 to 26 September to the Mariental camp in Namibia where 118 people are detained pursuant to Proclamation AG 9. The first ICRC visit to that camp had been on 3 June last.

A new ICRC regional delegate has been appointed to Pretoria, namely Mr. Nicolas de Rougemont, who took up his duties on 21 September.

Angola

Although limited by security and logistic problems, the ICRC medical and food assistance in Angola, in co-operation with the "Angolan Red Cross", was extended in the south of the country where there is an urgent need. From 22 to September a survey from Bailundo to Belo Horizonte was carried out by ICRC delegates who visited four villages in which there were some thousand displaced persons in extreme distress. Another mission was conducted at Trappa, north-east of Katchiungo, where 8,000 other displaced persons are suffering equally dire hardship.

Relief distributed in September to some 18,000 people included almost 162 tons of foodstuffs, 400 kg of soap, 1,950 blankets and 260

items of clothing. The cash value was approximately 315,000 Swiss francs. In October aid totalled more than 151 tons of foodstuffs (maize, meal, fish, skimmed milk, butteroil) and 1,250 blankets.

Medical activities, also restricted, for security reasons, to Huambo province and to the regions of Katchiungo and Bailundo, continued in September-October. The ICRC medical team regularly (once a week or twice a month, depending on the place) visited a dozen villages, dispensing first aid and monitoring the health situation among the displaced people. In addition, it instructs helpers recruited among the "deslocados" (displaced persons) in the administration of simple treatment: disinfection of injuries, dressings, rehydration of children suffering from diarrhoea, scabies control. It also conveys to hospital the sick who cannot properly be treated on the spot (16 transport operations in September). The cases of serious malnutrition are treated in two intensive care centres set up by the ICRC at the end of September in Katchiungo and at the beginning of October in Bailundo. The patients, mainly children between the ages of six months and 14 years, are specially fed under the supervision of an ICRC doctor.

From 24 September to 9 October Dr. Remi Russbach, ICRC head physician, during a re-appraisal of the situation in Angola, visited Bailundo, Katchiungo, Sitio Katuta, Sfinge and Amaral. As a result of that mission, three health centres (hygiene and first-aid) were opened in Sitio Katuta, Kaialula and Alto Chiumbo, manned by Angolan personnel trained by the ICRC.

The orthopaedic centre for amputees at Bomba Alta had, by October, fitted 118 patients, some of them with temporary prostheses. The prostheses are made by Angolan technicians trained by ICRC prosthetists. Production of permanent artificial limbs by use of local resources will soon start. This Bomba Alta centre, set up and financed by the ICRC, is administered jointly with the "Angolan Red Cross". The ICRC hopes that within a year it will be capable of operating independently.

Zaire

As a result of negotiations at Kinshasa in October, the ICRC received authorization to visit all places of detention on Zaire controlled by the civilian authorities, the civilian security services, the army, military security services and the police.

On 20 October ICRC delegates went to places of detention administered by the "Centre national de recherches et investigations" (CNRI) under military security control, where they saw 61 detainees. On 27

October they went to the Tshatshi camp in Kinshasa where there were six soldiers under arrest, and to the Second OUA City where they visited 21 detainees held for interrogation. These visits were carried out in accordance with standard ICRC procedure.

In the first eight months of the year the value of relief distributed by the ICRC in places of detention in Zaire amounted to 15,500 Swiss francs. The relief consisted of necessary utensils, blankets, soap, disinfectant, etc.

Ethiopia

From 28 to 31 October the head of the ICRC delegation in Addis Ababa again visited Somali prisoners of war detained by Ethiopia at Harrar. He saw 38 prisoners, eleven of them for the first time.

The ICRC continued providing emergency medicaments to people displaced by the events. From 15 May to 31 October the value of this medical assistance (2,895 kgs medicaments and medical supplies) amounted to about 69,000 Swiss francs.

During the same period, relief distributed through the Ethiopian Red Cross and Social Welfare Centres in the provinces of Harrarghe, Bale, Sidamo, Gondar, Tigre and Eritrea totalled 513 tons of foodstuffs, 13,200 blankets and 23 bales of cotton cloth, to a value of approximately 800,000 Swiss francs.

Uganda

The ICRC has closely followed the situation in the West Nile province (north-west of Uganda) following the armed clashes there at the beginning of October. The ICRC delegation at Kampala asked the Uganda authorities for permission to carry out a mission in that conflict-stricken region in order to assess humanitarian needs, with an eye to an assistance operation for the civilian population. At the beginning of November, permission was granted and on 8 November the ICRC delegates began an inspection of the West Nile. In the meantime they had visited two hospitals at Gulu to which 23 soldiers and a civilian, victims of the events, had been conveyed.

The relief goods distributed by the ICRC in September in prisons in six localities exceeded 17 tons, i.e. 8,750 kgs foodstuffs (including 3,675 kgs milk powder donated by the World Food Programme), 2,575 blankets, 3,800 items of clothing (donated by the Swiss Red Cross),

disinfectants, insecticides and kitchen utensils. Some assistance was provided also to detainees' families. In addition, two hospitals and two dispensaries (apart from the prison infirmaries) were provided with medicaments. The total value of ICRC assistance in September was 47,200 dollars.

The Kampala delegation was reinforced by the arrival on 24 October of an ICRC female nurse to make regular calls in prisons in order to improve hygiene and check on the use made of relief supplies.

Chad

Constant efforts, from the beginning of July to the end of September, to obtain from the parties to the conflict in Chad the essential conditions for the conduct of humanitarian operations, came to nothing. The ICRC was compelled at the beginning of October to suspend its activities in Chad and to recall its delegation staff to Geneva. However, when informing the warring factions of its decision, the ICRC expressed its earnest hope that constructive discussions would be resumed to find ways and means for its delegates to return to work on both sides of the front, in a spirit of impartiality and neutrality consistent with its mission and with adequate safety.

Until 20 June, when for safety it moved to Kousseri, in Cameroon, the Chad delegation had been based at N'Djamena but already on 24 May it had had to discontinue its work in part of the town. From the end of March to mid-May, in order to help the many victims of the fighting, the ICRC delegation had been reinforced by medical and surgical teams and extra delegates.

From 1 July to 30 September ICRC outlays for the purchase of relief goods, food and medical supplies and for operating expenses, amounted to 716,000 Swiss francs. Donations—some in cash and some in kind—towards our activities in Chad included a contribution of one million dollars from the Government of Iraq.

Before returning to Geneva, the delegates gave the various parties medical supplies still in stock. Wheat donated by the European Development Fund was handed over to the Ministry of Health and to the Town Hall of N'Djamena, and rice donated by the Federal Republic of Germany was left with the local office of the High Commissioner for Refugees.

Latin America

Mission of delegate General

Mr. André Pasquier, Delegate General of the ICRC for Latin America, carried out successive missions to El Salvador and Nicaragua between 17 October and 12 November.

In *El Salvador*, where he remained from 17 to 30 October, Mr. Pasquier, in co-operation with the El Salvador Red Cross, worked out an assistance programme for the benefit of tens of thousands of displaced civilians, victims of the violence prevailing in the country. This programme, which is to be financed and supervised by the ICRC and carried out jointly with the National Society, was submitted to the El Salvador authorities in meetings of the Delegate General with representatives of the Junta and the Ministers of Defence, Interior and Health. The other activities of the ICRC in El Salvador, especially those relating to protection, were also discussed with Government authorities.

In *Nicaragua*, where he arrived on 31 October, Mr. Pasquier represented the ICRC, on 5 November, in signing with the Government an agreement which defines the status of the ICRC delegation in that country. He also had numerous meetings, notably with the Ministers of Interior, Foreign Affairs and Justice, a representative of the Junta, and with the National Red Cross Society.

El Salvador

In September and October, the ICRC delegates continued to make regular visits—about twice a month—to persons detained because of the events, in army, security corps and police premises, and in prisons. On 16 and 17 October, a delegate carried out a mission in Morazan Province to assess humanitarian needs following a recrudescence of armed clashes, leading to movements by the civilian population.

In addition to the protection activities, the delegates took advantage of their travels to undertake a campaign for the dissemination of Red Cross principles among members of the armed forces and the police. Representatives of the National Society take an active part in this campaign.

Starting on 6 November, local radio stations began broadcasting an information programme set up in El Salvador by a delegate sent from Geneva. The purpose of this programme is to familiarize the

population as a whole with fundamental humanitarian principles, with particular regard to the ban on torturing or killing wounded or captured adversaries and the respect due to an adversary *hors de combat*, to the civilian population, to hospitals and to the Red Cross emblem.

In addition, the ICRC launched an appeal for funds, amounting to 4.1 million Swiss francs, to finance, for the period from 1 July 1980 to 30 June 1981, the assistance programme for displaced civilians, worked out on the occasion of the above-mentioned mission by the delegate general, and protection activities for the benefit of persons detained in connection with the events.

Nicaragua

Between mid-July and the end of September, the ICRC delegates made two visits to the Jorge Navarro and Nueva Guinea centres for social rehabilitation at Managua. At the time of their first visit, they saw 2,328 and 1,835 detainees, respectively, at these two centres. Also in Managua they visited another place of detention where 22 detainees were being held.

Elsewhere in the country, the delegates were able to visit the principal prisons of Chinandega (517 detainees), Jinotepe (235 detainees), Masaya (two visits—144 and later 194 detainees), and Granada (two centres—318 and 77 detainees). Detention centres at Juigalpa, Somoto and Ocotal were also visited.

With regard to Central Tracing Agency activities, 620 family messages were collected during the prison visits made from 1 July to 1 October. In addition, 75 tracing investigations were opened and 42 were completed.

In October a new medical action was instituted at the Nueva Guinea centre for social rehabilitation, during which an ICRC dentist, sent from Switzerland, made about 700 urgent tooth extractions. All the necessary material—dental chair, instruments and drugs—was supplied by the ICRC. This material was left at the disposal of the national penitentiary service, which now employs a local dentist, thus assuring continuing dental care in these prisons.

Argentina

From mid-June to the end of September, the ICRC delegates made a series of visits to five places of detention, in Buenos Aires and elsewhere in the country (Devoto, Magdalena, Rawson, Santiago del

Estero and La Plata), with a total of 1,267 detainees, who were interviewed without witness. In the same period, interim visits were also made to various prisons. During October, 225 detainees were visited in the Caseros prison.

As mentioned before, the ICRC also distributes relief to the families of detainees in Argentina. A total of 703 families currently benefit from this assistance. The Argentine Red Cross has agreed to participate more closely in these distributions, through some of its provincial branches.

Bolivia

The ICRC, which is at present the only institution carrying out visits to persons detained in connection with the events in Bolivia, has decided to prolong its assistance action for the benefit of these detainees and their families, allocating 471,000 Swiss francs for this purpose. Protection activities and the work of the Central Tracing Agency will also be continued.

In September and October, ICRC delegates made 22 visits to 11 places of detention in La Paz and its suburbs and elsewhere in the country. Relief items valued at 11,600 dollars (medicine, food, clothes, hygiene and leisure articles) were delivered during these visits.

In the field of tracing activities, 25 new investigations were begun in October and 26 cases found positive solutions. A total of 163 family messages were exchanged between detainees and their families through the intermediary of the ICRC. In addition, 50 family parcels and 49 money orders were delivered to the detainees.

Mexico

On the occasion of the 70th anniversary of the Mexican Red Cross, Mr. Victor Umbricht, a member of the International Committee, visited Mexico at the end of October to represent the ICRC in ceremonies commemorating the foundation of the National Society. He communicated the congratulations and best wishes of the ICRC.

Asia

Assistance to Kampuchean people

In carrying through its programme of assistance to the victims of the conflict in Kampuchea, the ICRC has to undertake regular re-

assessments of its work in order to take account of new emergency priorities or changes in the security situation of the areas where it is working.

This continuous readjustment in the focus of the organization's humanitarian action was the principal reason behind a mission to Thailand and Kampuchea carried out by Mr. Jean de Courten, ICRC delegate-general for Asia, from 22 September to 3 October. The objective was two-fold: to assess the ICRC's work in Kampuchea, on the Khmer-Thai border and in Thailand; and to define the goals of this programme until the end of the year. To this end, Mr. de Courten had talks with representatives of the Thai Government, the Phnom Penh authorities and representatives of those international organizations involved in the relief work. He also chaired a meeting of ICRC delegation and sub-delegation heads from south-east Asia, from 25 to 27 September in Bangkok.

Furthermore, Mr. Jean-Pierre Hocké, Director of the ICRC Operations Department, went to Bangkok at the end of October for negotiations with the authorities and consultations with the ICRC's partners in the Kampuchea operation, notably the personal representative of the United Nations Secretary-General and UNICEF and UNHCR officials. In Phnom Penh, where he arrived on 28 October, the Director of Operations had similarly-focussed talks with the Ministers of Foreign Affairs and Health. Previously, on 3 September, in New York, Mr. Hocké attended a meeting of representatives from some thirty donor countries, where he had the opportunity of informing those present of the ICRC's work in Kampuchea and Thailand, with special emphasis on the medical programme.

Kampuchea

Five medical teams, seconded to the ICRC by various National Societies, are currently working in Kampuchea: the Soviet team is stationed at Takhmau, the Polish team at Kompong Cham, the Hungarian team at Kompong Speu, the East German team at Kompong Thom and the Swedish team at Svay Rieng. These medical teams are working closely with local staff, since training the latter constitutes one of the main goals of the ICRC's assistance programme.

The ICRC is continuing to supply the hospitals (cost per month: 4,500 dollars for each of the five) and to supervise their laboratory work. In addition, it constantly replenishes stocks at the Phnom Penh blood bank and provides regular supplies of medicaments and medical equipment to the provincial dispensaries.

From 10 to 12 September, the ICRC medical co-ordinator carried out a mission to Kompong Cham and, whilst there, visited 468 patients in a leprosarium near the town. It was decided that the Polish team would henceforth visit the patients on a weekly basis to provide treatment.

The air shuttle service that the ICRC organized between other countries and Phnom Penh has been operating for a year. The first ICRC relief flight to Kampuchea in fact took place on 13 October 1979, carrying a cargo of emergency medical supplies for the population of Kampuchea. Over the following twelve-month period, 714 flights were organized—562 from Bangkok and 152 from Singapore—transporting 13,716 tons of medicaments and miscellaneous relief supplies worth some 25 million Swiss francs. The various planes operating the shuttle—Hercules, Transalls, DC 10s and Fiat G 222s—were made available to the ICRC by the governments of the United Kingdom, Australia, France, the Netherlands, the USA, Italy and Belgium. As of 22 October, an Air Botswana Hercules, brought into service with funds provided by the Canadian Government, has been flying the link-route, and by the end of that month it had made twelve flights carrying 175 tons of relief supplies, including over 3 tons on behalf of Catholic Relief Services, France, World Vision and the World Council of Churches.

Again in the relief sphere, the joint ICRC/UNICEF "truck operation" was completed at the end of September with the arrival of the last 96 vehicles in Kampuchea. A total of 1041 trucks had been shipped there by the ICRC and UNICEF.

Finally, it should be noted that the joint mission delegates were able to witness two relief distribution operations in the interior of the country: on 7 September in Svay Rieng Province, where 319 tons of rice, 42 tons of maize, 65 tons of sugar, 70 tons of oil and 80 tons of beans were handed over for 101,556 persons, and on 20 October, at Kom Pissei (Kompong Speu Province), where over 116 tons of sugar, dried peas and milk powder, together with 28,000 litres of oil, were distributed to 141,791 persons.

Thailand

In September and October, armed confrontations between various groups of displaced Cambodians took place in camps along the Thai border, giving rise to population movements and disrupting the distribution of relief supplies and provision of medical assistance.

Despite the uncertain security situation, the medical work has continued. The medical teams have been making several visits a week to

refugee groups to the north of Aranyaprathet. They make daily visits to Phnom Chat, treating an average of 280 persons on each occasion. They have transferred several patients to hospital. In the area south of Aranyaprathet, the anti-malaria campaign has continued unabated, for a still-high number of patients in the hospitals. A training programme for Khmer hospital staff has been launched.

In view of the significant decrease in the number of displaced persons at the border (estimated in mid-October to number about 50,000 in the camps to the north of Aranyaprathet and 24,000 to the south), the medical and paramedical staff seconded to the ICRC by the National Red Cross Societies has been reduced by about a quarter, with the exception of the surgical team in Khao-I-Dang and the staff working in the pharmacy. Between 28 August and 1 November, the cost of ICRC medical and paramedical assistance along the Khmer-Thai border amounted to 315,000 dollars.

The relief programme has focussed principally on the distribution of rice at the two "land bridges" on the border: at Ban Kalor in September, rice was distributed to 2,540 ox-carts and 4,450 pedestrians, on the basis of 100 kg per cart and 30 kg per pedestrian; at Nong Chan, similar amounts were distributed to 6820 carts and 55,300 pedestrians. Total relief provided between 4 September and 29 October amounted to 5,232 tons of rice worth 1,630,000 dollars.

A little-known aspect of the ICRC programme in Thailand is its protection work for the border-camp population. Every effort is being made to ensure that members of the same family are not separated and to trace disappeared persons.

The fate of those people of Vietnamese origin—a particularly vulnerable group in this area—is the subject of special attention. The ICRC delegates are constantly at hand in the camp at Prasat Sarokot, where these refugees gathered as soon as they had crossed the border. The Bangkok authorities have been approached with a view to effecting their transfer to a safer camp in the interior of Thailand. Relief supplies, consisting mainly of food, distributed to them in September and October amounted to over 100 tons, valued at 39,000 dollars. On 25 October, there were 3,059 people at Prasat Sarokot camp.

Again in the protection sphere, the ICRC delegates received permission to visit Aranyaprathet military base prison in January, and a prison at Sikkiu refugee camp in May and August. During these visits, they saw some 650 detainees, all of whom were "illegal immigrants" of various nationalities. In September, medical and food relief supplies were distributed to Aranyaprathet camp prison on a number of occasions.

Central Tracing Agency

With its twelve delegates and 90 locally-recruited staff stationed in Bangkok, Aranyaprathet and Chantaburi, the ICRC tracing service in Thailand has been working intensively on behalf of various categories of individuals: the displaced Khmer civilian population in the holding centres, along the border and in refugee camps, unaccompanied Khmer children, and Vietnamese refugees ("boat people" and "land people").

Its duties are to collect data on the refugees' identity (in August alone, 193,000 people were registered); to trace missing persons and to try to reunite families separated as a result of the conflict (23,742 cases dealt with in August); to ensure the transmission of refugees' mail; and to issue documents (travel papers, certificates attesting to residence in the camps, etc.).

In September, the registration of the Khao-I-Dang camp population continued at the rate of about one hundred families a day. The work was made difficult by the continual movement of refugees from one sector to another within the camp, or their moving from one camp to another. At Samet, 3,570 families (i.e. 16,788 persons) had been registered as at 12 September.

During the same month, the tracing service in Bangkok issued 104 travel documents to citizens of Laos, Vietnam and Cambodia who had received permission from Austria and Italy to settle in these countries. In addition, it passed on 120,000 letters and family messages and 674 parcels. As regards its tracing work, it achieved a 67.5% success rate in the case of Vietnamese, but only 11% for displaced Cambodian civilians.

Indonesia*East Timor*

With the agreement of the Indonesian authorities, the joint assistance operation carried out by the ICRC and the Indonesian Red Cross in East Timor was extended for a further six-month period as of 15 October, in order to meet the still-existent needs of the displaced civilian population, with regard to medical care and food. During this new phase, Red Cross food and medical assistance will be concentrated on five particularly underprivileged villages with a total population of 38,812. An appeal for 1.3 million Swiss Francs has been launched in order to cover the costs of the operation.

It will be recalled that the joint operation, initially scheduled for a six-month period as of October 1979, was first extended in April 1980. During the second phase from April to October 1980, it covered fourteen localities (with a total population of 87,366), nine of which received food and medical assistance (54,805 persons) and five purely medical assistance (32,531 persons). It is felt that emergency food and medical assistance is no longer necessary in seven localities, and any needs in this respect will be covered by the National Society and Indonesian medical officials. Nonetheless, some thirty tons of relief supplies have been stored in each locality for distribution under the supervision of the ICRC and the Indonesian Red Cross, should the need arise.

Side by side with its relief work, the ICRC is also pursuing its efforts to reunite families separated as a result of the troubles. Thus, six children left East Timor and arrived in Lisbon on 8 October, where they were met by their parents and the Portuguese Red Cross. This was the first group to travel in this way within the family reunion programme.

Malaysia

As part of the series of visits to persons detained under the Internal Security Act, Mr. David Delapraz, ICRC regional delegate for south-east Asia, was allowed access, from 31 October to 8 November, to three police stations in Malaysia, located at Ipoh, Penang and Kuala Lumpur, where he visited four detainees with whom he talked without witness.

Pakistan

From 24 September to 6 October, an ICRC doctor, Dr. Arbex, carried out a mission to Pakistan in order to evaluate the joint assistance operation undertaken by the League and the ICRC for Afghani refugees. During September, the ICRC medical teams gave out-patient treatment to 10,892 persons in the Afghani refugee camps in Kurram and North Waziristan, in the North-West Frontier Province.

Middle East

Iraq-Iran conflict

As soon as hostilities broke out between Iraq and Iran the ICRC, on 23 September, reminded both parties to the conflict, through their

Permanent Missions in Geneva, of their obligations under the four 1949 Geneva Conventions. In particular, it urged the two governments to ensure that wounded, sick, prisoners of war and civilians be treated humanely and that medical establishments and units be respected. In addition, the ICRC declared its readiness to discharge the duties assigned to it in such a situation by the Geneva Conventions, particularly for the benefit of military and civilian prisoners and displaced persons, and to act as a neutral intermediary between the belligerents in all humanitarian matters.

On 26 September the ICRC was authorized by the Iraqi Government to send delegates to Iraq. Two days later the delegates arrived in Baghdad and immediately undertook a survey mission in the Kirkuk area where they visited the hospitals. They also conferred with government officials and leading members of the Iraqi Red Crescent on arrangements for visits to Iranian prisoners of war. These visits began on 10 October and continued to the end of the month. They were conducted in accordance with the provisions of the Conventions.

In Iran, where the ICRC already had a delegation, visits to Iraqi prisoners of war began on 22 October.

The purpose of these visits is to see to the application of the Third Geneva Convention protecting prisoners of war. This implies inspection by the ICRC delegations of detention conditions and the health of the prisoners. In addition, the delegates are of service to the prisoners in the forwarding of messages to their families and, if need be, they provide them with material assistance. In accordance with the Convention, the delegates interview prisoners without witnesses and send confidential reports on their visits to the detaining Power and to the government of the prisoners' own country. They also transmit lists of the prisoners of war.

With regard to assistance the ICRC, at the request of the Iranian Red Crescent, sent to Iran three tons of medicaments and five tons of milk powder from its stocks.

The ICRC reinforced its delegations in Iran and Iraq to enable them to cope with the increased tasks facing them. At the end of October there were eight delegates in Teheran and an equal number in Baghdad, each delegation including a medical delegate.

An appeal for 2.5 million Swiss francs has been made to a number of governments and National Societies with a view to the financing of the ICRC's work for the period from 1 November 1980 to 31 March 1981.

Iran

Before the outbreak of the conflict, Mr. Jean Hoeffliger, ICRC delegate general for the Middle East, and Mr. Jean-Marc Bornet, regional delegate, started a mission in Iran on 4 September in which they met representatives of the civilian and military authorities and leading members of the Iranian Red Crescent.

On 17 September the ICRC delegates were received by the President of the Republic, M. Banisadr, with whom they reviewed ICRC activities in Iran, particularly the visits to political detainees. In the matter of the Iraqi-Iranian conflict, the delegates emphasized Iran's obligations under the Conventions and the ICRC's functions in such circumstances: visits to prisoners of war, protection of civilians, tracing of missing persons and possibly assistance. President Banisadr made clear his great interest in the work of the ICRC in Iran and facilitated the first ICRC visit to a group of Iraqi prisoners.

To visit political detainees, the ICRC delegates were allowed access on 20 September to Rasht prison in which there were about sixty detainees.

Israel and the occupied territories

Continuing their visits to detainees, the ICRC delegates in Israel and the occupied territories, from 1 August to 30 October, made 388 visits to detainees held for interrogation in the Jerusalem sector (163 of them for the first time) and 497 visits (171 for the first time) in Gaza territory.

During the same period, traditional visits were made to the prisons of Ramleh, Gaza, Beersheba and Ramallah, where 188 detainees were interviewed in private. Interim visits were also made to nine places of detention, and special visits to Ashkelon, Beersheba, Nafha and Chattan because of the hunger strike in those prisons.

Incidentally, as a result of ICRC intervention, one detainee in Ashkelon prison was given special permission to go to the bedside of his dying mother.

Moreover, ICRC activities for detainees and for the civilian Arab population in the occupied territories were discussed during an interview granted to the head of the ICRC Tel Aviv delegation on 3 October by the Israeli Prime Minister and Minister of Defence, Mr. Menahem Begin.

Transfers

Three Jordanians were repatriated across the Allenby Bridge under ICRC auspices: on 9 October an Arab detainee who had been sentenced to 15 years in prison was authorized to return to Jordan, after serving eleven years and being released early because of his bad health; on 13 October, a Jordanian who had strayed in September on the west bank of the Jordan; and, on 29 October, an intruder into the occupied territories.

In addition, at the Lebanon-Israel border on 1 October, the ICRC supervised the repatriation of a Lebanese seaman who, with six others, had been arrested by the Israeli security forces aboard a boat off the Israeli coast. He had been convicted to a term of 18 months in prison.

On 9 September, a transfer operation at Quneitra enabled 31 students from Golan to return to Damascus for their studies after their holidays.

Lebanon

In September and October the ICRC delegation in Lebanon was occupied mainly with agency matters: inquiries, visits to families, transmission of messages. In September, 16 new inquiries were opened and 15 definitively closed. The number of messages exchanged was 648 and two inter-zone transfers were made. On 31 October seven inhabitants of the conservative enclave in southern Lebanon, detained by the Palestinian progressive forces, were released and escorted by the ICRC to the village of Beit Yahoun.

CENTENARY OF THE AUSTRIAN RED CROSS

HISTORY

The Austrian Red Cross, which is the largest private relief organization in the country with its 25,000 unpaid workers, about 300,000 adult members and 1.2 million members of the Junior Red Cross, officially celebrated its hundredth anniversary on 14 March 1980.

The first organized and benevolent relief activities in the Austro-Hungarian Empire began, however, at a much earlier date. In April 1859, when an armed conflict for supremacy in Lombardy already seemed inevitable, a number of influential Austrians set up with the Emperor's consent, a "Patriotic Relief Association", which two months later became an official relief service assisting the victims of the battle of Solferino and their families.

After the war the association was dissolved but it resumed its activities five years later during the campaign against Denmark and again two years after that in the war against Prussia. Similar organizations were also set up in the various provinces of the realm. But this time the association was not dissolved at the end of the war. On the contrary the parent body in Vienna became established as a permanent institution under the title "Austrian Patriotic Relief Association for Wounded Combatants, Widows and Orphans of War Victims" and it adopted the Red Cross emblem. A year previously, on 21 July 1866, Austria had signed the Geneva Convention.

In the course of the next few years, private relief organizations were created in all parts of the country. They were brought together in 1880 and the "Austrian Red Cross Society" was founded on 14 March. Its first President was Baron Karl von Tinti, who had already been active with the Patriotic Relief Association 21 years before, in 1859. The new Austrian Red Cross Society was placed under the patronage of Emperor Francis Joseph and Empress Elisabeth.

Under Baron von Tinti's presidency, the Austrian Red Cross undertook its first major activity in peace-time, in accordance with Henry

Dunant's proposal that humanitarian activities should not be limited to assistance during hostilities, but should also include relief in case of natural disasters: the first opportunity to do so was provided by the serious floods that affected Carinthia and the Tyrol in 1882.

In another field and still under President Tinti's term of office the Austrian Red Cross acted as a pioneer in equipping an ambulance ship in Trieste, although the Geneva Convention was only later extended (by the Hague Convention of 1899) to cover naval warfare, and in case of serious danger it would not at that time have protected the hospital ship in any way.

The first issue of the Society's publication entitled "Das Rothe Kreuz" (The Red Cross) appeared on 1 September 1884. President Tinti died that same year and was succeeded by his deputy, Count Franz Falkenhayn. Under Count Falkenhayn's mandate, in 1897, Vienna for the first time hosted an International Red Cross Conference, which was attended by delegates of 32 States. President Falkenhayn died one year later and his successor, Prince Alois Schönburg-Hartenstein, remained in office until shortly before the outbreak of the First World War. During this period training courses for nursing auxiliaries were introduced and the Red Cross Society's storage facilities were reorganized and extended.

From 1914, under the mandate of the new President, Count Abensperg-Traun, the men and women volunteers worked unstintingly for the four long years of the First World War: a total of 1,316,421 soldiers were cared for in 876 medical units; Red Cross convoys transported 8,480,434 wounded and sick and the main depot in the Prater sent out medicaments and dressings to the value of 13 million Austrian crowns.

After the end of the war the Austrian Red Cross' first task was to tend the seriously wounded and to assist civilians and soldiers returning to their homes. President Dr. Max Vladimir Beck (1918-1938) and his collaborators devoted themselves, in spite of a constant lack of funds, to helping the poor and caring for the elderly and the sick. A large number of hospitals and rest homes were set up and run by the Red Cross in its struggle against tuberculosis which was prevalent in the post-war years.

Two major events marked Dr. Beck's term of office: in 1921 the Austrian Red Cross joined the League of Red Cross Societies, created two years before, and the following year the Austrian Junior Red Cross was founded. In 1938 the Austrian Red Cross Society did not escape the whole country's fate, it was "annexed" and incorporated into the German Red Cross.

Immediately after the Second World War, assistance activities were resumed. Under Presidents Karl Seitz (1946-1950) and Burghard Breitner (1950-1956) those activities mainly concentrated on providing assistance to civilians and soldiers released from captivity or simply returning home and on helping refugees and the population in need.

The revised and amplified Geneva Conventions of 1949 were ratified by Austria in 1953. In 1956 the Austrian Red Cross was put to one of its greatest trials. With international support it assisted and cared for up to 180,000 Hungarian refugees. That same year Dr. Hans von Lauda became President of the Society.

In the course of the next few years the Austrian Red Cross contributed to the relief activities undertaken for practically every natural disaster or political crisis that occurred in the world.

In 1965 the Austrian Red Cross hosted the 20th International Red Cross Conference. The fundamental Red Cross principles (humanity, impartiality, neutrality, independence, voluntary service, unity and universality) still guiding Red Cross action today were adopted in Vienna by that Conference.

In 1970 a fundamental revision of the Society's statutes was made so as to adapt its structures to the requirements of the modern world. The Society's name was also slightly changed. Since Dr. von Lauda's death in 1974 Dr. Heinrich Treichl has been performing the office of President.

On the occasion of the celebration of the centenary of the Austrian Red Cross the President of the Federal Republic, Dr. Rudolf Kirchschläger, revived an ancient tradition on 20 September 1980 in becoming Honorary President of the Society.

ORGANIZATION

Like the Republic of Austria, the Austrian Red Cross Society is set up on a federalistic basis. With its nine regional associations it assumes the following duties:

- voluntary assistance in all aspects of public welfare and health care,
- training of appropriate personnel and information of the public at large,
- first aid in emergency situations and disasters,
- running of the voluntary blood donation service,
- tracing of missing soldiers and civilians, and
- taking part in the establishment of civil defence measures.

The Austrian Red Cross is the only recognized authority vis-à-vis the ICRC, the League, foreign Red Cross Societies and other foreign associations, and vis-à-vis the federal authorities and supra-regional Austrian organizations.

It co-ordinates disaster relief when disasters exceed the competence of a regional association or when they occur outside the country. The Society is also responsible for organizing the Junior Red Cross, the Red Cross nurses, the various voluntary services and for the nomination of the governing body of the blood bank.

To be able to discharge its duties the Austrian Red Cross must have an appropriate structure. This structure is determined partly by historical factors: the nine regional associations are legally and financially independent, because most of them already existed before the creation of the Society in 1880 and worked independently as voluntary relief associations under their common protective emblem.

The Austrian Red Cross is directed by the General Assembly, the Executive Council and the President, who is elected for a period of five years by the General Assembly and may be re-elected. He represents the Austrian Red Cross abroad, sees to the implementation of decisions taken and has discretionary powers in urgent cases. He also chairs the Executive Council. The Presidents of the nine regional associations are *ex officio* members of the Executive Council and have the right to vote. The Federal President of the Junior Red Cross, the Secretary General, the Chief Medical Officer, the Federal Director of the voluntary women's relief service and the President of the governing body of the blood bank attend Executive Council meetings in an advisory capacity. The Executive Council is the authoritative body of the Austrian Red Cross.

The General Assembly is composed of the representatives of the regional associations and the members of the Executive Council and is held once a year. Each regional association has four to six voting delegates, depending on the number of inhabitants. The General Assembly elects the President and the three Vice-Presidents, approves the budget, fixes the amount of contributions and decides on modifications to the statutes. The President and Executive Council have a Secretariat, headed by the Secretary General, who is appointed by the Executive Council on the President's recommendation.

The regional associations and the district and cantonal offices, which are their local offshoots, are all organized on the same pattern. Each regional association has its general assembly, its branch committee or executive council and its president.

ACTIVITIES

The Red Cross service with which Austrians are most familiar is the transport of the sick and of persons injured or affected by some natural disaster. With the aid of its 25,000 voluntary auxiliaries, the Red Cross helps nine of ten first aid cases. About 1,100 Red Cross ambulances are kept in readiness in 340 different places. Last year these ambulances covered 36 million km, or 100,000 km a day ! In other words, the Austrian Red Cross ambulances travel more than twice round the world every day.

The efficient organization of the blood donation service is a further achievement of the Austrian Red Cross. A blood bank was set up on the basis of voluntary blood donations 30 years ago in Salzburg. The idea gradually developed and there are now seven blood donation centres in Austria which last year provided 330,000 units of stored blood, i.e. 95 per cent of all units used in Austrian hospitals. The remaining 5 per cent are provided by other blood banks still in existence in various hospitals.

The Austrian Red Cross also has its own health and social service, a disaster relief service and a tracing service for missing persons. About 1.2 million children and adolescents work in the Junior Red Cross and will be expected to take over one day from the voluntary auxiliaries of the Austrian Red Cross.

The Austrian Red Cross also organizes information courses for the public. It holds first aid courses (which are also intended for driving-license candidates), courses on assistance to the sick and the elderly, maternal and child care and assistance among neighbours. The health and social service of the Austrian Red Cross is currently being reviewed, because its primary concern is no longer the struggle against material distress. It should now concentrate on combating solitude, helping invalids and handicapped persons and providing care for sick persons living alone. The Austrian Red Cross therefore lays increasing emphasis on care for the sick, home care and assistance among neighbours.

The Junior Red Cross considers itself as a "benevolent educational community". Its aim is to counter indifference and aggressiveness in young people by giving them a sense of solidarity, which must not only be accepted in theory, but also applied in practice. Children are willing to give up their free time and often quite a large share of their pocket money to help others. A striking example of such solidarity: after the terrible earthquake in Frioul, the Austrian Junior Red Cross gathered 14 million shillings, which were used to build a social centre in Tramonti,

consisting of a kindergarten, a school, an advisory service for mothers and a kitchen.

The card index held by the Austrian Red Cross' military tracing service contains the names of approximately 100,000 Austrian soldiers. Thirty-five years after the Second World War, 30,000 cases have still not been solved and tracing is becoming more and more difficult. Over the years the service's activities have focused increasingly on tracing activities for civilian persons. On their arrival in Austria, refugees and immigrants wish to establish contact with relatives who left their home country earlier than they. Many requests are also made from abroad, for example by families concerned about a son or a nephew who went to Austria some years before and from whom no news had ever been heard since. The civilian tracing service has a card index with about 300,000 names.¹

*

When ICRC President Alexandre Hay was in Vienna for the commemoration of the centenary of the Austrian Red Cross, he conveyed the best wishes of the ICRC to the Austrian National Society, to whom the International Review of the Red Cross also tenders its warmest congratulations.

¹ Article sent by the Austrian Red Cross.

A PROPOS OF THE 25th ANNIVERSARY OF THE ITS

Letter to the President of the ICRC

Twenty-five years ago last June the International Tracing Service (ITS), in Arolsen, was placed under the management of the ICRC. As a supplement to the notice which appeared on that occasion in the July-August issue of International Review we are happy to publish a letter sent to the President of the ICRC by the Minister for Foreign Affairs of the Federal Republic of Germany.

Dear Sir,

The 6 June 1980 was the 25th anniversary of the day when the International Committee of the Red Cross in Geneva, complying with the wish expressed by the Federal Republic of Germany, France, Great Britain and the United States of America, took over the management of the International Tracing Service in Arolsen. The ICRC has thus responsibly led this most important institution and conducted its activities through more than two-thirds of its existence.

Working unobtrusively and almost unnoticed by the general public the International Tracing Service has achieved most extraordinary results. It has solved about 1.6 million individual cases, which is an indication of the scope of its activities. Innumerable destinies could be unraveled and clarified only with the help of new archive material which the International Red Cross had gathered thanks to connections established throughout the world with people from countries involved in the Second World War.

On behalf of my Government I wish to thank the International Committee of the Red Cross for the trustworthy and responsible work it has accomplished over a quarter of a century for the benefit of victims of national-socialist tyranny.

The Federal Republic of Germany stands firmly by its commitment to ensure the continuation of the tasks undertaken by the International Tracing Service.

The Government of the Federal Republic will continue giving as much moral and financial support as possible to the activities carried out by the Service. The information still stored in its archives on about 10 million people of various nationalities who became the victims of tyranny and concerning whom no one has so far instigated an inquiry must on no account fall into oblivion.

I can assure you that my Government highly appreciates the ICRC's willingness to continue assuming responsibility for the International Tracing Service.

Hans-Dietrich Genscher
Minister for Foreign Affairs

Bonn, 16 June 1980

World Congress on Prostheses in Bologna

The third World Congress of the International Society for Prosthetics and Orthotics (ISPO) and the International Association of Orthotists and Prosthetists (INTERBOR) was held in Bologna from 28 September to 4 October 1980. In addition to some 1,500 visitors, the Congress was attended by most of the world's orthopedic technicians and surgeons and the heads of firms specialized in orthopedic equipment.

The ICRC, which is active in several areas of the world helping disabled victims of war, was invited to take part in this Congress to inform participants of its activities and to compare its experience of orthopedics in the developing countries with that of other organizations.

The ICRC representatives gave the Congress an account of ICRC and Swiss Red Cross activities over the past few years, describing in particular the ongoing programmes in Lebanon (implemented by the Swiss Red Cross), Angola and Ethiopia (ICRC), where workshops have been set up, local staff trained to manufacture and adapt prostheses, and some 1,500 amputees and paraplegics fitted with prostheses.

The ICRC has always emphasized the need to find local solutions for manufacturing prostheses, because the cost of imported materials and parts is quite beyond the beneficiaries' financial means and damaged equipment cannot be repaired locally. Moreover local workshops provide disabled persons working there with an ideal opportunity to get re-integrated into a normal professional and social environment.

To illustrate its success in this field the ICRC set up a small exhibition of orthopedic apparatus (feet, orthoses, prostheses, wheel-chairs and spare parts), all of which had been made with local raw materials by disabled people themselves.

The members of the Congress were also shown an ICRC video film called "Debré Zeit, an Orthopedic Centre in Ethiopia", describing the work done by the centre, which is financed and equipped by the ICRC but differs from other orthopedic establishments in that it is run entirely by local Ethiopian staff (composed of disabled persons trained by specialists from various countries) and employs only local materials.¹

All participants, and especially those from the developing countries, were extremely impressed by the ICRC's lectures, exhibition and film, which opened up entirely new prospects to them. It is very likely that the contacts established with the ICRC representatives will have most favourable consequences for disabled people in many countries. This augurs well for 1981, which is to be the International Year of Disabled Persons.

¹ "Debré Zeit, an Orthopedic Centre in Ethiopia" a video film produced by Jean-Phillipe Naef for the ICRC and available with commentaries in French, English and Amharic. Length: 35 minutes; price: 250 Swiss francs.

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EXTRACT FROM THE STATUTES OF
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

ADOPTED 21 JUNE 1973

ART. 1. — *International Committee of the Red Cross*

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross.¹

ART. 2. — *Legal Status*

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

ART. 4. — *Role*

1. The special role of the ICRC shall be:

- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — *Membership of the ICRC*

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic) — Afghan Red Crescent, Puli Artan, *Kabul*.
- PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (Democratic and People's Republic) — Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna 4*.
- BAHAMAS — Bahamas Red Cross Society, P.O. Box N 91, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dacca 2*.
- PEOPLE'S REPUBLIC OF BENIN — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 *Brussels*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, *Sofia 27*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross, 42 Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95 Wellesley Street East, *Toronto, Ontario, M4Y 1H6*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA (People's Republic) — Red Cross Society of China, 53 Kanmien Hutung, *Peking*.
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E.*
- CONGO, PEOPLE'S REPUBLIC OF THE — Croix-Rouge Congolaise, place de la Paix, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23 201 esq. N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjöld's Allé 28, Postboks 2600, 2100 København Ø.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado Postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El-Galaa Street, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente, *San Salvador, C.A.*
- ETHIOPIA — Ethiopian Red Cross, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193 Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 17 rue Quentin Bauchart, F-75384 *Paris CEDEX 08*.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaizerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7a Calle, 1a y 2a Avenidas, *Comayagüela, D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca 31, *Budapest V*. Mail Add.: 1367 *Budapest 5*, Pf. 249.
- ICELAND — Icelandic Red Cross, Nóatúni 21, 105 *Reykjavik*.
- INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Jalan Abdul Muis 66, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Crescent, Avenue Ostad Nejatollahi, Carrefour Ayatollah Taleghani, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16 Merriion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12 via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 1-3 Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF — Red Cross Society of the Democratic People's Republic of Korea, *Pyongyang*.
- KOREA, REPUBLIC OF — The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1350, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.

- LIBERIA** — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA** — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN** — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG** — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg*.
- MALAGASY REPUBLIC** — Red Cross Society of the Malagasy Republic, rue Patrice Lumumba, *Antananarivo*.
- MALAWI** — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre* 3).
- MALAYSIA** — Malaysian Red Crescent Society, JKR 2358, Jalan Tun Ismail, *Kuala Lumpur* 11-02.
- MALI** — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA** — Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS** — Mauritius Red Cross, Ste Thérèse Street, *Curepipe*.
- MEXICO** — Mexican Red Cross, Avenida Ejército Nacional n° 1032, *México* 10 D.F.
- MONACO** — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA** — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO** — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL** — Nepal Red Cross Society, Tahachal, P.B. 217, *Kathmandu*.
- NETHERLANDS** — Netherlands Red Cross, 27 Prinsesgracht, *The Hague*.
- NEW ZEALAND** — New Zealand Red Cross, Red Cross House, 14 Hill Street, *Wellington* 1. (P.O. Box 12-140, *Wellington North*.)
- NICARAGUA** — Nicaragua Red Cross, D.N. Apartado 3279, *Managua*.
- NIGER** — Red Cross Society of Niger, B.P. 386, *Niamey*.
- NIGERIA** — Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, *Lagos*.
- NORWAY** — Norwegian Red Cross, Drammensveien 20 A, *Oslo* 2, Mail add.: *Postboks 2338, Solli, Oslo* 2.
- PAKISTAN** — Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, *Rawalpindi*.
- PAPUA NEW GUINEA** — Red Cross of Papua New Guinea, P.O. Box 6545, *Boroko*.
- PANAMA** — Panamanian Red Cross, Apartado Postal 668, Zona 1, *Panamá*.
- PARAGUAY** — Paraguayan Red Cross, Brasil 216, *Asunción*.
- PERU** — Peruvian Red Cross, Jirón Chancay 881, *Lima*.
- PHILIPPINES** — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila* D 2803.
- POLAND** — Polish Red Cross, Mokotowska 14, *Warsaw*.
- PORTUGAL** — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, *Lisbon* 3.
- ROMANIA** — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, *Bucarest*.
- SAN MARINO** — San Marino Red Cross, Palais gouvernemental, *San Marino*.
- SAUDI ARABIA** — Saudi Arabian Red Crescent, *Riyadh*.
- SENEGAL** — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE** — Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE** — Singapore Red Cross Society, 15 Penang Lane, *Singapore* 0923.
- SOMALIA (DEMOCRATIC REPUBLIC)** — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA** — South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, *Johannesburg* 2001.
- SPAIN** — Spanish Red Cross, Eduardo Dato 16, *Madrid* 10.
- SRI LANKA (Dem. Soc. Rep. of)** — Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, *Colombo* 7.
- SUDAN** — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWAZILAND** — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN** — Swedish Red Cross, Fack, S-104 40 *Stockholm* 14.
- SWITZERLAND** — Swiss Red Cross, Rainmattstr. 10, B.P. 2699, *3001 Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO** — Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, *Lomé*.
- TRINIDAD AND TOBAGO** — Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA** — Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis*.
- TURKEY** — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA** — Uganda Red Cross, Nabunya Road, P.O. Box 494, *Kampala*.
- UNITED KINGDOM** — British Red Cross, 9 Grosvenor Crescent, *London, SW1X 7EJ*.
- UPPER VOLTA** — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.A.** — American National Red Cross, 17th and D Streets, N.W., *Washington, D.C.* 20006.
- U.S.S.R.** — Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, *Moscow* 117036.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM, SOCIALIST REPUBLIC OF** — Red Cross of Viet Nam, 68 rue Bà-Triệu, *Hanoi*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade*.
- REPUBLIC OF ZAIRE** — Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross, P.O. Box R.W.1, 2837 Brentwood Drive, *Lusaka*.